

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 Sec. 3. TRANSITION

2 Notwithstanding any provision to the contrary in Sec. 2 of this act, a school  
3 district may pay tuition on behalf of a student to a school located in another  
4 country or to an approved independent school that is located in a state that is  
5 not contiguous to Vermont if, during the 2017-2018 school year, the student  
6 attended that school; provided, however, that tuition shall be paid for not more  
7 than four years after enactment of this act.

8 \* \* \* Elections \* \* \*

9 Sec. 4. ELECTIONS; UNIFIED UNION SCHOOL DISTRICT

10 (a) Notwithstanding any provision of law to the contrary, the election of a  
11 director on the board of a unified union school district who is to serve on the  
12 board after expiration of the term for an initial director shall be held at the  
13 unified union school district’s annual meeting unless otherwise provided in the  
14 district’s articles of agreement.

15 (b) Notwithstanding any provision of law to the contrary, if a vacancy  
16 occurs on the board of a unified union school district and the vacancy is in a  
17 seat that is allocated to a specific town, the clerk of the unified union district  
18 shall immediately notify the selectboard of the town. Within 30 days after the  
19 receipt of that notice, the unified union school district board, in consultation  
20 with the selectboard, shall appoint a person who is otherwise eligible to serve  
21 as a member of the unified union school district board to fill the vacancy until

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           (2) Union district officers, except the clerk, treasurer, and moderator,  
2           elected at an annual meeting shall enter upon their duties on July 1 following  
3           their election and shall serve a term of one year or until their successors are  
4           elected and qualified. The clerk, treasurer, and moderator 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 ~~one year~~ up to three years or until their successors are elected and  
10          qualified. ~~School directors elected at an annual meeting shall assume office~~  
11          ~~upon election and shall serve a term of three years or until their successors are~~  
12          ~~elected and qualified.~~

13          (3) The clerk of the union district shall, within ten days after the election  
14          or appointment of any officer or director, give notice of the results to the  
15          Secretary of State.

16                                      \* \* \*

17                              \* \* \* School Radon Mitigation Study Committee \* \* \*

18           **Sec. 6. SCHOOL RADON MITIGATION; FUNDING OPPORTUNITIES**

19           The Secretary of Education and the Commissioners of Health and of  
20           Buildings and General Services shall explore funding opportunities for the  
21           mitigation of elevated radon concentrations in schools and contingency plans

1 for the loss of related federal funding. On or before December 1, 2018, the  
2 Secretary and Commissioners shall jointly submit a written report to the House  
3 and Senate Committees on Education with viable options for funding the  
4 mitigation of elevated radon concentrations in schools.

5 **Sec. 7. PRELIMINARY RADON TESTING IN SCHOOLS**

6 The Department of Health shall perform preliminary radon testing in all  
7 elementary and secondary public and approved independent school buildings  
8 in Vermont. School districts and approved independent schools shall  
9 cooperate with the Department of Health in its conduct of this testing. On or  
10 before December 1, 2018, the Commissioner of Health shall submit a written  
11 report to the House and Senate Committees on Education containing a plan and  
12 timeline for completing the testing required by this section.

13 \* \* \* Technical Correction \* \* \*

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

15 § 4015. SMALL SCHOOL SUPPORT

16 (a) In this section:

17 \* \* \*

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

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\* \* \*

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

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

**§ 829. PREKINDERGARTEN EDUCATION**

(a) Definitions. As used in this section:

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

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

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

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

(3) “Prequalified private provider” means a private provider of prekindergarten education that is qualified pursuant to subsection (c) of this section.

1           (4)(A) “Prequalified public provider” means a provider of  
2           prekindergarten education that is a school district that is qualified pursuant to  
3           subsection (c) of this section.

4           (B) “Prequalified public provider” does not mean a school district  
5           that contracts with a prequalified private provider for the provision of  
6           prekindergarten education services.

7           (b) Access to publicly funded prekindergarten education.

8           (1) ~~Not~~ Not fewer than ten hours per week of publicly funded  
9           prekindergarten education shall be available for 35 weeks annually to each  
10          prekindergarten child whom a parent or guardian wishes to enroll in an  
11          available, prequalified program operated by a public school or a private  
12          provider.

13          (2) If a parent or guardian chooses to enroll a prekindergarten child in an  
14          available, prequalified program, then, pursuant to the parent or guardian’s  
15          choice, the school district of residence shall:

16                (A) pay tuition pursuant to subsections (d) and (h) of this section  
17                upon the request of the parent or guardian to:

18                   (i) a prequalified private provider; or

19                   (ii) a prequalified public school provider that operates a  
20                   prekindergarten program located outside the district that operates a



1 ~~prekindergarten program that has been prequalified pursuant to subsection (e)~~  
2 ~~of this section; or~~

3 (B) if the school district of residence is a prequalified public  
4 provider, enroll the child in the prekindergarten education program that it  
5 operates.

6 (3) If requested by the parent or guardian of a prekindergarten child, the  
7 school district of residence shall pay tuition to a prequalified program operated  
8 by a private provider or a public school in another district private provider or a  
9 prequalified public provider that operates a prekindergarten program located  
10 outside the district even if the district of residence is a prequalified public  
11 provider that operates a prekindergarten education program.

12 (4) If the supply of prequalified private and public providers is  
13 insufficient to meet the demand for publicly funded prekindergarten education  
14 in any region of the State, nothing Nothing in this section shall be construed to  
15 require the State or a district to begin or expand a prekindergarten education  
16 program to satisfy that demand; but rather, in collaboration with the Agencies  
17 of Education and of Human Services, the local Building Bright Futures  
18 Council shall meet with school districts and private providers in the region to  
19 develop a regional plan to expand capacity for prekindergarten education.

20 (c) Prequalification. Pursuant to rules jointly developed and overseen by  
21 the Secretaries Secretary of Education and of Human Services and adopted by

1 the State Board pursuant to 3 V.S.A. chapter 25, the ~~Agencies jointly~~ Agency  
2 of Education may determine that a private or public provider of  
3 prekindergarten education is qualified for purposes of this section and include  
4 the provider in a publicly accessible database of prequalified providers. At a  
5 minimum, the rules shall define the process by which a provider applies for  
6 and maintains prequalification status; and shall identify the minimum quality  
7 standards for prequalification; and shall include the following requirements:  
8 In order to be eligible for tuition payments:

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

12 (A) Having:

13 (i) National Association for the Education of Young Children  
14 (NAEYC) accreditation; or

15 (B)(ii) at least four stars in the Department for Children and  
16 Families' STARS system with a plan to get to at least two points in each of the  
17 five arenas; or

18 (C)(iii) three stars in the STARS system if the provider has  
19 developed a plan, approved by the Commissioner for Children and Families  
20 and the Secretary of Education, to achieve four or more stars with at least two

1 points in each of the five arenas in no more than three years, and the provider  
2 has met intermediate milestones.

3 (B) For a:

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

10 (ii) private provider that is regulated as a family child care home  
11 that is not licensed and endorsed in early childhood education or early  
12 childhood special education, employing or contracting for the services of at  
13 least one licensed professional educator with an endorsement in early  
14 childhood education or in early childhood special education under chapter 51  
15 of this title for at least three hours per week during each of the 35 weeks per  
16 year in which prekindergarten education is paid for with publicly funded  
17 tuition to provide regular, active supervision and training of the private  
18 provider's staff.

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

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

6            (B) meeting safety and quality rules adopted by the Department for  
7            Children and Families.

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

13           (d) Tuition, budgets, and average daily membership.

14           (1) On behalf of a resident prekindergarten child, a district shall pay  
15           tuition for prekindergarten education for ten hours per week for 35 weeks  
16           annually to a prequalified private provider or to a public school prequalified  
17           public provider that is outside the district that is prequalified pursuant to  
18           subsection (c) of this section; provided, however, that the district shall pay  
19           tuition for weeks that are within the district's academic year. Tuition paid  
20           under this section shall be at a statewide rate, which may be adjusted  
21           regionally, that is established annually through a process jointly developed and

1 implemented by the ~~Agencies~~ Agency of Education and of Human Services. A  
2 district shall pay tuition upon:

3 (A) receiving notice from the child's parent or guardian that the child  
4 is or will be admitted to the prekindergarten education program operated by the  
5 prequalified private provider or the other district; and

6 (B) concurrent enrollment of the prekindergarten child in the district  
7 of residence for purposes of budgeting and determining average daily  
8 membership.

9 (2) In addition to any direct costs of operating a prekindergarten  
10 education program, a district of residence shall include anticipated tuition  
11 payments and any administrative, quality assurance, quality improvement,  
12 transition planning, or other prekindergarten-related costs in its annual budget  
13 presented to the voters.

14 (3) Pursuant to subdivision 4001(1)(C) of this title, the district of  
15 residence may include within its average daily membership any  
16 prekindergarten child for whom it has provided prekindergarten education or  
17 on whose behalf it has paid tuition pursuant to this section.

18 (4) A prequalified private provider, or a prequalified public provider that  
19 is not the child's district of residence, may receive additional payment directly  
20 from the parent or guardian only for prekindergarten education in excess of the  
21 hours paid for by the district pursuant to this section or for child care services,

1 or both. The provider is not bound by the statewide rate established in this  
2 subsection when determining the rates it will charge the parent or guardian for  
3 these excess hours. A provider shall not impose additional fees for the  
4 publicly funded hours.

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

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

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

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

3 (4) To establish a process by which:

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

8 (B) a district:

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

13 (ii) enters into an agreement with any provider to which it will pay  
14 tuition regarding quality assurance, transition, and any other matters;  
15 agreements entered into on or after August 1, 2018 shall be in a form  
16 prescribed by the Secretary of Education; and

17 (C) a provider that has received tuition payments under this section  
18 on behalf of a prekindergarten child notifies a district that the child is no longer  
19 enrolled.

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

1 prekindergarten education that meets all ~~established~~ required quality standards  
2 and to allow for regional adjustments to the rate.

3 (6) [Repealed.]

4 (7) To require a district to include identifiable costs for prekindergarten  
5 programs and essential early education services in its annual budgets and  
6 reports to the community.

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

11 (9) To provide an administrative process for:

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

15 (B) a school district to challenge an action of a provider or the State  
16 when the district believes that the provider or the State is in violation of State  
17 statute or rules regarding prekindergarten education.

18 (10) To establish a system by which the Agency of Education ~~and~~  
19 ~~Department for Children and Families~~ shall ~~jointly~~ monitor and evaluate  
20 prekindergarten education programs to promote optimal results for children  
21 that support the relevant population-level outcomes set forth in 3 V.S.A. §



1 2311 and to collect data that will inform future decisions. The Agency and  
2 Department shall be required to report annually to the General Assembly in  
3 January. At a minimum, the system shall monitor and evaluate:

4 (A) programmatic details, including the number of children served,  
5 the number of private and public programs operated, and the public financial  
6 investment made to ensure access to quality prekindergarten education;

7 (B) the quality of public and private prekindergarten education  
8 programs and efforts to ensure continuous quality improvements through  
9 mentoring, training, technical assistance, and otherwise; and

10 (C) the results for children, including school readiness and  
11 proficiency in numeracy and literacy.

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

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

16 (B) collect and report child progress data to the Secretary of  
17 Education on an annual basis.

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

20 (g) Limitations. Nothing in this section shall be construed to permit or  
21 require payment of public funds to a private provider of prekindergarten

1 education in violation of Chapter I, Article 3 of the Vermont Constitution or in  
2 violation of the Establishment Clause of the U.S. Constitution.

3 (h) Geographic limitations.

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

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

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

20 (B) shall be based in part upon the estimated number of  
21 prekindergarten children residing in the district and in surrounding districts, the

1 availability of prequalified private and public providers of prekindergarten  
2 education, commuting patterns, and other region-specific criteria; and

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

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

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

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

15 § 4010. DETERMINATION OF WEIGHTED MEMBERSHIP

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

19 (1) resident prekindergarten children;

20 (2) resident students being provided elementary ~~or kindergarten~~  
21 education, excluding prekindergarten children; and

1 (3) resident students being provided secondary education.

2 \* \* \*

3 (c) The Secretary shall determine the weighted long-term membership for  
4 each school district using the long-term membership from subsection (b) of  
5 this section and the following weights for each class:

6 (1) ~~Prekindergarten~~ except as otherwise provided in this subsection,  
7 prekindergarten—0.46;

8 (2) prekindergarten program offered by the district of residence for a full  
9 school day as determined by the school board under section 1071 of this title—  
10 1.0;

11 (3) ~~Elementary or elementary,~~ excluding prekindergarten—1.0; and

12 (4) ~~Secondary~~ secondary—1.13

13 \* \* \*

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

15 § 3502. CHILD CARE FACILITIES; SCHOOL AGE CARE IN PUBLIC

16 SCHOOLS; 21ST CENTURY FUND

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

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

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(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.

\* \* \*

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

§ 11. CLASSIFICATIONS AND DEFINITIONS

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

\* \* \*

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

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

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

8   \* \* \*

9    Sec. 13. PREKINDERGARTEN ADVISORY COMMITTEE; REPORT

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

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

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

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

19                (3) one member appointed by the Governor, which member shall serve  
20 as the Committee’s Chair.

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

3            (1) whether the current delivery and funding models are working  
4        effectively to provide prekindergarten educational services, and if not, the  
5        issues with the current models and proposals to enhance the quality and  
6        effectiveness of these models;

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

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

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

16          (5) how to simplify regulatory oversight and administration of  
17        prekindergarten education;

18          (6) how to ensure that funding for prekindergarten education is equitable  
19        and does not create undesirable outcomes for prekindergarten students, their  
20        parents or guardians, or providers of prekindergarten educational services or  
21        child care services; and

1           (7) whether prekindergarten regions established under 16 V.S.A. § 829  
2           serve the purpose for which they were designed and allow reasonable and  
3           equitable access to prekindergarten education, and whether the authority to  
4           create prekindergarten regions should continue.

5           (d) Assistance. The Committee shall have the administrative, technical,  
6           and legal assistance of the Office of Legislative Council and the Joint Fiscal  
7           Office.

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

12           (f) Meetings.

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

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

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

17           (g) Compensation, reimbursement, and appropriations.

18           (1) For attendance at meetings during adjournment of the General  
19           Assembly, a legislative member of the Committee shall be entitled to per diem  
20           compensation and reimbursement of expenses pursuant to 2 V.S.A. § 406 for  
21           not more than six meetings. The sum of \$5,256.00 is appropriated to the



1 General Assembly for fiscal year 2019 for the per diem compensation and  
2 expense reimbursements authorized by this section to be paid to the members  
3 of the Committee who are members of the General Assembly.

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

12 \* \* \* Educator Licensing Requirements \* \* \*

13 Sec. 14. EDUCATOR LICENSING REQUIREMENTS

14 The Vermont Standards Board for Professional Educators shall consider  
15 whether the educator licensing requirements are appropriate or should be  
16 updated. As part of its review, the Board shall consider whether educator  
17 licensing should be required for schools that have adopted a school-based  
18 teacher quality and performance measurement program approved by the New  
19 England Association of Schools and Colleges and whether other examination  
20 options, other than the Praxis examination, should be available for educator  
21 licensure, such as examinations offered by the Smarter Balanced Assessment

1 Consortium. On or before December 1, 2018, the Board shall report its  
2 findings and recommendations to the House and Senate Committees on  
3 Education.

4 \* \* \* Ethnic and Social Equity Standards Advisory

5 Working Group \* \* \*

6 Sec. 15. ETHNIC AND SOCIAL EQUITY STANDARDS ADVISORY

7 WORKING GROUP

8 (a) Findings.

9 (1) In 1999, the Vermont Advisory Committee to the U.S. Commission  
10 on Civil Rights published a report titled Racial Harassment in Vermont Public  
11 Schools and described the state of racism in public schools. The Committee  
12 held various hearings and received reports from stakeholders and concluded  
13 that “racial harassment” appeared “pervasive in and around the State’s public  
14 schools,” and observed that “the elimination of this harassment” was “not a  
15 priority among school administrators, school boards, elected officials, and  
16 State agencies charged with civil rights enforcement.”

17 (2) In 2003, the Commission released a follow-up report concluding  
18 that, although some positive efforts had been made since the original report  
19 was published, the problem persisted. One of the many problems highlighted  
20 was the “curriculum issues in the State’s public schools. In some instances,  
21 teachers employ curriculum materials and lesson plans that promote racial

1 stereotypes.” One of the conclusions was that there was a need for a bias-free  
2 curriculum.

3 (3) On December 2017, the Act 54 report on Racial Disparities in State  
4 Systems, issued by the Attorney General and Human Rights Commission Task  
5 Force, was released. According to the report, education is one of the five State  
6 systems in which racial disparities persist and need to be addressed. The  
7 Attorney General and Human Rights Commission held three stakeholder  
8 meetings and found “a surprising amount of coalescence around the most  
9 important issues” and “the primary over-arching theme was that we will be  
10 able to reduce racial disparities by changing the underlying culture of our state  
11 with regard to race.” One of the main suggestions for accomplishing this was  
12 to “teach children from an integrated curriculum that fairly represents both the  
13 contributions of People of Color (as well as indigenous people, women, people  
14 with disabilities, etc.), while fairly and accurately representing our history of  
15 oppression of these groups.” The other suggestions were to educate State  
16 employees about implicit bias, white privilege, white fragility, and white  
17 supremacy, and increase the representation of people of color in the State and  
18 school labor forces by focusing on recruitment, hiring, and retention, as well as  
19 promotion of people of color into positions of authority and responsibility on  
20 boards and commissions.

1           (4) The harassment of lesbian, gay, bisexual, transgender, queer,  
2 questioning, intersex, asexual, and nonbinary communities; other students of  
3 color; and students with disabilities and the lack of understanding of people in  
4 power about the magnitude of the systemic impacts of harassment and bias  
5 damage the whole community.

6           **(b) Definitions. As used in this act:**

7           (1) “Ethnic groups” means nondominant racial and ethnic groups in the  
8 United States, including people who are indigenous and people of African,  
9 Asian, Pacific Island, Chicana, Latina, or Middle Eastern descent.

10          (2) “Ethnic studies” means the instruction of students in prekindergarten  
11 through grade 12 in the historical contributions and perspectives of ethnic  
12 groups and social groups.

13          (3) “Social groups” means females, people with disabilities, immigrants,  
14 refugees, and individuals who are lesbian, gay, bisexual, transgender, queer,  
15 questioning, intersex, asexual, or nonbinary.

16          **(c) Creation and composition. The Ethnic and Social Equity Standards**  
17 **Advisory Working Group is established. The Working Group shall comprise**  
18 **the following 17 members:**

19           (1) eight members who are members of, and represent the interests of,  
20 ethnic groups and social groups;

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

1           (3) the Secretary of Education or designee;

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

3           Association or designee;

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

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

6           social justice issues in schools;

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

8           designee;

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

10          expertise in the development of school curriculum;

11          (8) a representative for the Vermont Curriculum Leaders Association;

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

13          or designee; and

14          (10) the Executive Director of the Vermont Independent Schools'

15          Association or designee.

16          (d) Appointment and operation.

17           (1) The Vermont Coalition for Ethnic and Social Equity in Schools

18           (Coalition) shall appoint the eight members who represent ethnic groups and

19           social groups and the member identified under subdivision (c)(2) of this

20           section. Appointments of members to fill vacancies to these positions shall be

21           made by 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, inclusivity, and advocacy for the  
4           groups they represent.

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

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

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

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

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

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

1 Assembly for fiscal years 2020 and 2021 the amount of \$13,420.00 for the per  
2 diem compensation and expense reimbursements authorized by this section to  
3 be paid to members of the Working Group.

4 (g) Duties of the Working Group.

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

10 (A) increase cultural competency of students in prekindergarten  
11 through grade 12;

12 (B) increase attention to the history, contribution, and perspectives of  
13 ethnic groups and social groups;

14 (C) promote critical thinking regarding the history, contribution, and  
15 perspectives of ethnic groups and social groups;

16 (D) commit the school to eradicating any racial bias in its curriculum;

17 (E) provide, across its curriculum, content and methods that enable  
18 students to explore safely questions of identity, race equality, and racism; and

19 (F) ensure the basic curriculum and extracurricular programs are  
20 welcoming to all students and take into account parental concerns about  
21 religion or culture.

1           (2) The Working Group may review all existing State statutes regarding  
2 school policies and recommend to the General Assembly proposed statutory  
3 changes with the following goals:

4           (A) Ensuring that the school curriculum:

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

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

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

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

16          (3) The Working Group shall include in its report to the General  
17 Assembly under subdivisions (h)(2) and (3) of this section any statute, State  
18 Board rule, or school district policy that it has identified as needing review or  
19 amendment in order to:



1           (A) promote an overarching focus on preparing all students to  
2 participate effectively in an increasingly racially, culturally, and socially  
3 diverse Vermont and in global communities;

4           (B) ensure every student is in a safe, secure, and welcoming learning  
5 and social environment in which bias, whether implicit or explicit, toward  
6 others based on their membership in ethnic or social groups is acknowledged  
7 and addressed appropriately;

8           (C) challenge racist, sexist, gender, or ability-based bias or bias based  
9 on socioeconomic status when it occurs, using principles aligned with  
10 restorative practice;

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

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

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

19           (h) Reports.

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

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

2           (B) its plan to accomplish the work described in subdivision (g)(1) of

3 this section, including the timeline for reviewing all statewide curriculum

4 standards and for its recommendation to the State Board of additional

5 standards to recognize fully the history, contribution, and perspectives of

6 ethnic groups and social groups; and

7           (C) its plan to accomplish the work described in subdivisions (g)(2)

8 and (3) of this section, including the timeline for reviewing all existing State

9 statutes regarding school policies and drafting proposed legislation.

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

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

13           (B) recommended statutory changes under subdivisions (g)(2) and (3)  
14 of this section; and

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

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

19           (A) any further recommended statutory changes under subdivision  
20 (g)(2) of this section; and

1           (B) recommendations for training and appropriations to support  
2           implementation of the recommended changes.

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

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

11       § 164. STATE BOARD; GENERAL POWERS AND DUTIES

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

17                             \* \* \*

18       (17) Report annually on the condition of education statewide and on a  
19       ~~school-by-school~~ supervisory union and school district basis. The report shall  
20       include information on attainment of standards for student performance  
21       adopted under subdivision (9) of this section, number and types of complaints

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

15 \* \* \*

16 \* \* \* Expanded Learning Opportunities \* \* \*

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

18 CHAPTER 100. EXPANDED LEARNING OPPORTUNITIES

19 § 2911. DEFINITIONS

20 As used in this title:

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

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

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

11           § 2912. EXPANDED LEARNING OPPORTUNITIES

12                   COMMITTEE; REPORT

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

15                   (1) the Secretary of Education or designee;

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

17                   (3) the Commissioner of Labor or designee;

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

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

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

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

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

10          (b) Duties. The Committee shall:

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

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

16          (c) Terms. ELO Committee members shall serve, commencing on  
17           January 1, three-year terms or until the member’s earlier resignation or  
18           removal, except for legislative members, who shall be appointed to two-year  
19           terms that mirror their legislative terms. A nonlegislative ELO Committee  
20           member may be appointed prior to January 1, 2019, in which case the initial  
21           term of that member shall extend to January 1, 2022. A legislative ELO

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

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

13 (e) Quorum; voting; meetings.

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

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

18 (3) The ELO Committee may permit any or all members to participate  
19 in a regular or special meeting by, or conduct the meeting through the use of,  
20 any means of electronic communication by which all members participating  
21 may simultaneously or sequentially communicate with each other during the

1 meeting. A member participating in a meeting by this means is deemed to be  
2 present in person at the meeting.

3 (4) On or before September 1, 2018, two legislative members shall  
4 convene the first meeting of the ELO Committee.

5 (f) Administrative support. The Office of Legislative Council shall provide  
6 administrative support to the ELO Committee.

7 (g) Compensation, reimbursement, and appropriations.

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

15 (2) Other members of the Committee who are not employees of the  
16 State of Vermont and who are not otherwise compensated or reimbursed for  
17 their attendance shall be entitled to per diem compensation and reimbursement  
18 of expenses pursuant to 32 V.S.A. § 1010 for not more than 12 meetings per  
19 year. The sum of \$8,784.00 is appropriated to the Agency of Education from  
20 the General Fund for fiscal year 2019 for the per diem compensation and  
21 expense reimbursements authorized by this section to be paid to these members



1 of the Committee. The Agency shall include in its budget request to the  
2 General Assembly for each subsequent fiscal year the amount of \$8,784.00 for  
3 the per diem compensation and expense reimbursements authorized by this  
4 section to be paid to these members of the Committee.

5 (h) Report. Notwithstanding 2 V.S.A. § 20(d), the ELO Committee shall  
6 report to the House and Senate Committees on Education and on  
7 Appropriations on or before January 15 annually regarding the ELO  
8 Committee’s activities, including:

9 (1) its recommendations to improve access to expanded learning  
10 opportunities for children and youths from families with low income where  
11 expanded learning opportunities are not readily available;

12 (2) its recommendations to build workforce readiness skills in the fields  
13 of science, technology, engineering, and mathematics; and

14 (3) the extent to which transportation is a barrier to expanded learning  
15 opportunities.

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

17 § 2913 VERMONT EXPANDED LEARNING OPPORTUNITIES SPECIAL  
18 FUND

19 (a) There is established the Vermont Expanded Learning Opportunities  
20 Special Fund comprising grants, donations, and contributions from any private  
21 or public source. Monies in the ELO Special Fund shall be available to the

1 Agency of Education for the purpose of increasing access to ELOs throughout  
2 Vermont. The Commissioner of Finance and Management may draw warrants  
3 for disbursements from the Fund in anticipation of receipts. The Fund shall be  
4 administered pursuant to 32 V.S.A. chapter 7, subchapter 5, except that interest  
5 earned and any remaining balance at the end of the fiscal year shall be retained  
6 and carried forward in the Fund.

7 (b) The Agency of Education shall report annually in its budget presentation  
8 to the House and Senate Committees on Education and on Appropriations on  
9 the number and amount of ELO grants disbursed and the geographic locations  
10 of the recipients.

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

12 § 2906. ~~VERMONT EXPANDED LEARNING OPPORTUNITIES SPECIAL~~  
13 ~~FUND ESTABLISHED~~

14 ~~(a) As used in this section, “Expanded Learning Opportunity” means a~~  
15 ~~structured program designed to serve prekindergarten through secondary~~  
16 ~~school-age children and youth outside the school day and year on a regular~~  
17 ~~basis, including before and after school and during the summer, by providing~~  
18 ~~opportunities for personal, emotional, and academic growth for children and~~  
19 ~~youth.~~

20 ~~(b) There is established a Vermont Expanded Learning Opportunities~~  
21 ~~Special Fund comprising grants, donations, and contributions from any private~~

1 ~~or public source. Monies in the Fund shall be available to the Agency for the~~  
2 ~~purpose of increasing access to expanded learning opportunities throughout~~  
3 ~~Vermont. The Commissioner of Finance and Management may draw warrants~~  
4 ~~for disbursements from this Fund in anticipation of receipts. The Fund shall be~~  
5 ~~administered pursuant to 32 V.S.A. chapter 7, subchapter 5, except that interest~~  
6 ~~earned and any remaining balance at the end of the fiscal year shall be retained~~  
7 ~~and carried forward in the Fund. [Repealed.]~~

8 **\*\*\* Postsecondary Educational Institutions; Closing \*\*\***

9 Sec. 19. 16 V.S.A. § 175 is amended to read:

10 § 175. POSTSECONDARY EDUCATIONAL INSTITUTIONS; CLOSING

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

15 (1) promptly inform the State Board;

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

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

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

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

\* \* \*

~~(g)(1) The Association of Vermont Independent Colleges (AVIC) shall maintain a memorandum of understanding with each of its member colleges 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.

19   \* \* \* Effective Dates \* \* \*

20           Sec. 20. EFFECTIVE DATES

21           (a) Sec. 8 shall take effect July 1, 2019.

1        (b) This section and the remaining sections shall take effect on passage,  
2        and Secs. 4(c) and 5 shall apply to the subsequent election of district officers of  
3        a unified union school district or a union school district.

4

5

6        (Committee vote: \_\_\_\_\_)

7

\_\_\_\_\_

8

Representative \_\_\_\_\_

9

FOR THE COMMITTEE

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