

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 * * * Dual Enrollment; Parochial Schools * * *

9 Sec. 4. 16 V.S.A. § 944 is amended to read:

10 § 944. DUAL ENROLLMENT PROGRAM

11 (a) Program creation. There is created a the statewide Dual Enrollment
12 Program to be a potential component of a student's flexible pathway. The
13 Program shall include college courses offered on the campus of an accredited
14 postsecondary institution and college courses offered by an accredited
15 postsecondary institution on the campus of a secondary school. The Program
16 may include online college courses or components.

17 (b) Students.

18 (1) A Vermont resident who has completed grade 10 but has not
19 received a high school diploma is eligible to participate in the Program if:

20 (A) the student:

21 (i) is enrolled in:

1 (I) a Vermont public school, including a Vermont career
2 technical center;

3 (II) a public school in another state or an approved independent
4 school that is designated as the public secondary school for the student's
5 district of residence; or

6 (III) an approved independent school in Vermont ~~to which the~~
7 ~~student's district of residence pays publicly funded tuition on behalf of the~~
8 ~~student;~~

9 (ii) is assigned to a public school through the High School
10 Completion Program; or

11 (iii) is a home study student;

12 * * *

13 * * * U.S. Citizenship Civics Test * * *

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

15 § 914. CITIZENSHIP TEST

16 The U.S. citizenship civics test, produced by the U.S. Citizenship and
17 Immigration Services, shall be used as a resource for the teaching of
18 citizenship, history, and government in Vermont and the United States as
19 required under subsection 906(b) of this title, and may be used as a resource
20 for the educational program on the U.S. Constitution that each educational

1 institution receiving federal funds is required to hold in September each year,
2 under Pub. L. No. 108-447, Division J, Title I, Sec. 111(b).

3 * * * Elections; Unified Union School District * * *

4 Sec. 6. ELECTIONS; UNIFIED UNION SCHOOL DISTRICT

5 (a) Notwithstanding any provision of law to the contrary, the election of a
6 director on the board of a unified union school district who is to serve on the
7 board after expiration of the term for an initial director shall be held at the
8 unified union school district's annual meeting in accordance with the district's
9 articles of agreement.

10 (b) Notwithstanding any provision of law to the contrary, if a vacancy
11 occurs on the board of a unified union school district and the vacancy is in a
12 seat that is allocated to a specific town, the clerk shall immediately notify the
13 selectboard of the town. Within 30 days after the receipt of that notice, the
14 unified union school district board, in consultation with the selectboard, shall
15 appoint a person who is otherwise eligible to serve as a member of the unified
16 union school district board to fill the vacancy until an election is held in
17 accordance with the unified union school district's articles of agreement.

18 (c) Notwithstanding any provision of law to the contrary, unified union
19 school district officers, including the clerk, treasurer, and moderator, elected at
20 an annual meeting shall enter upon their duties on July 1 following their
21 election and shall serve a term of three years or until their successors are

1 elected and qualified, except that if the voters at an annual meeting so vote,
2 moderators elected at an annual meeting shall assume office upon election and
3 shall serve for a term of three years or until their successors are elected and
4 qualified.

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

6 * * * School Radon Mitigation Study Committee * * *

7 Sec. 7. SCHOOL RADON MITIGATION STUDY COMMITTEE

8 (a) Creation. There is created the School Radon Mitigation Study
9 Committee to explore funding opportunities for the mitigation of elevated
10 radon concentrations in schools and contingency plans for the loss of related
11 federal funding.

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

14 (1) the Secretary of Education or designee;

15 (2) the Commissioner of Health or designee;

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

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

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

19 Association; and

1 (6) a radon mitigation professional certified for testing and mitigation by
2 the National Radon Proficiency Program, appointed by the Director of the
3 Department of Labor’s Workers’ Compensation and Safety Division.

4 (c) Assistance. The Committee shall have the administrative, technical, and
5 legal assistance of the Agency of Education.

6 (d) Report. On or before December 15, 2018, the Committee shall submit a
7 written report to the House and Senate Committees on Education containing
8 viable options for funding the mitigation of elevated radon concentrations in
9 schools.

10 (e) Meetings.

11 (1) The Secretary of Education or designee shall call the first meeting of
12 the Committee to occur on or before October 1, 2018.

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

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

16 (f) Compensation and reimbursement. Members of the Committee who are
17 not employees of the State of Vermont and who are not otherwise compensated
18 or reimbursed for their attendance shall be entitled to per diem compensation
19 and reimbursement of expenses pursuant to 32 V.S.A. § 1010 for not more than
20 four meetings. These payments shall be made from monies appropriated to the
21 Agency of Education.

1 (g) Appropriation. The sum of \$800.00 is appropriated from the General
2 Fund to the Agency of Education to provide funding for the purposes set forth
3 in this section.

4 * * * Expansion of Kindergarten; Elimination of Prekindergarten * * *

5 Sec. 8. 16 V.S.A. § 11 is amended to read:

6 § 11. CLASSIFICATIONS AND DEFINITIONS

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

8 * * *

9 (3) "Elementary education" means a program of public school education
10 adapted to the needs of students in ~~prekindergarten~~, kindergarten, and the first
11 six grades.

12 (4) "Grades" means the division of the educational work of the public
13 schools into ~~13~~ 14 school year units beginning with two years of kindergarten
14 and thereafter numbered from one to 12 beginning with the lowest. The first
15 six grades and kindergarten are the elementary grades. The last six grades are
16 the high school grades. This classification is not a limitation of the character
17 of work, the organization of school facilities, or the studies that may be carried
18 on in either the elementary or the high schools.

19 * * *

20 (6) "Kindergarten" means an educational program for children of one
21 year of two years for a child who, as of the date established by the district of

1 residence for kindergarten eligibility, is four or five years of age adapted to the
2 needs of students who will attend first grade the following year following the
3 second year of kindergarten.

4 * * *

5 (31) “Early childhood education,” or “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 who are three to four
9 years of age and to five-year-old children who are not eligible for or enrolled
10 in kindergarten.

11 **Sec. 9. REPEAL**

12 16 V.S.A. § 829 (prekindergarten education) is repealed.

13 **Sec. 10.** 16 V.S.A. § 1073 is amended to read:

14 **§ 1073. “LEGAL PUPIL” DEFINED; ACCESS TO SCHOOL**

15 (a) “Legal pupil” means an individual who has attained the age of ~~five~~ four
16 years on or before January 1 next following the beginning of the school year.
17 However, a school district may require that students admitted to kindergarten
18 have attained the age of ~~five~~ four on or before any date between August 31 and
19 January 1.

1 (b) Access to school.

2 (1) Right to a public education. No legal pupil attending school at
3 public expense, including a married, pregnant, or parenting student, shall be
4 deprived of or denied the opportunity to participate in or complete a public
5 school education.

6 * * *

7 (c) An individual who is not a legal pupil may be enrolled in a public
8 school in a ~~prekindergarten program offered by or through a public school~~
9 ~~pursuant to rules adopted under section 829 of this title or in a program of~~
10 essential early education offered pursuant to section 2956 of this title.

11 Sec. 11. 16 V.S.A. § 4001 is amended to read:

12 § 4001. DEFINITIONS

13 As used in this chapter:

14 (1) “Average daily membership” of a school district, or if needed in
15 order to calculate the appropriate homestead tax rate, of the municipality as
16 defined in 32 V.S.A. § 5401(9), in any year means:

17 * * *

18 (C) The full-time equivalent enrollment for each ~~prekindergarten~~
19 child enrolled in an essential early education service program as follows: If a
20 child is enrolled in 10 or more hours of ~~prekindergarten education per week or~~
21 receives 10 or more hours of essential early education services per week, the

1 child shall be counted as one full-time equivalent pupil. If a child is enrolled
2 in six or more but fewer than 10 hours of prekindergarten education per week
3 or if a child receives fewer than 10 hours of essential early education services
4 per week, the child shall be counted as a percentage of one full-time equivalent
5 pupil, calculated as one multiplied by the number of hours per week divided by
6 ten. A child enrolled in prekindergarten education for fewer than six hours per
7 week shall not be included in the district's average daily membership. There is
8 no limit on the total number of children who may be enrolled in
9 prekindergarten kindergarten education or who receive essential early
10 education services.

11 * * *

12 (15) “Prekindergarten child” “Essential early education service
13 program” means a program for a three- or four-year-old child who is enrolled
14 in a prekindergarten program offered by or through a school district pursuant
15 to rules adopted under section 829 of this title or who is receiving essential
16 early education services offered pursuant to section 2956 of this title.
17 Prekindergarten child also means a five-year-old child who otherwise meets
18 the terms of this definition if that child is not yet eligible for or enrolled in
19 kindergarten.

1 Sec. 12. 16 V.S.A. § 4010 is amended to read:

2 § 4010. DETERMINATION OF WEIGHTED MEMBERSHIP

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

6 (1) resident ~~prekindergarten~~ kindergarten children;

7 (2) resident students being provided elementary ~~or kindergarten~~
8 education, excluding kindergarten; and

9 (3) resident students being provided secondary education; and

10 (4) resident children being provided essential early education services.

11 * * *

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

15 Essential early education services 0.46

16 ~~Prekindergarten 0.46~~ Kindergarten program for seven or more hours per
17 school day up to 10 hours per school day 1.0

18 Kindergarten program for 10 or more hours per school day 1.3

19 Elementary, ~~or~~ excluding kindergarten 1.0

20 Secondary 1.13

21 * * *

* * * Child Care * * *

Sec. 13. 33 V.S.A. § 3511 is amended to read:

§ 3511. DEFINITIONS

As used in this chapter:

(1) “Child” or “children” means an individual or group of individuals under 13 4 years of age or under who are not yet eligible to be enrolled in kindergarten. Except, with regard to child care provided afterschool or during school vacation, “child” or “children” means an individual or group of individuals enrolled in kindergarten through secondary school.

(2) “Child care facility” means any place or program operated as a business or service on a regular or continuous basis, whether for compensation or not, whose primary function is protection, care, and supervision of children under 16 years of age outside their homes for periods of fewer than 24 hours a day by a person other than a child’s own parent, guardian, or relative, as defined by rules adopted by the Department ~~for Children and Families~~, but not including a kindergarten approved by the State Board of Education.

(3) “Child care provider” means a person licensed or registered by the Department ~~for Children and Families~~, or authorized by the Department, to provide child care.

1 (4) “Child care services” include developmentally appropriate care and
2 supervision for children ~~under 13 years of age~~ for fewer than 24 hours a day by
3 a child care provider.

4 (5) “Commissioner” means the Commissioner for Children and
5 Families.

6 (6) “Department” means the Department for Children and Families.

7 (7) “Division” means the Department’s Child Development Division.

8 ~~(7)~~(8) “Family child care home” means a child care facility ~~which that~~
9 provides care on a regular basis in the caregiver’s own residence for not more
10 than 10 children at any one time. Of this number, up to six children may be
11 provided care on a full-time basis and the remainder on a part-time basis. As
12 used in this subdivision, care of a child on a part-time basis shall mean care of
13 a school-age child for not more than four hours a day. These limits shall not
14 include children who reside in the residence of the caregiver, except:

15 (A) These part-time school-age children may be cared for on a full-
16 day basis during school closing days, snow days, and vacation days ~~which that~~
17 occur during the school year.

18 (B) During the school summer vacation, up to 12 children may be
19 cared for provided that at least six of these children are of school age and a
20 second staff person is present and on duty when the number of children in
21 attendance exceeds six. These limits shall not include children who are

1 required by law to attend school (seven years of age and older) and who reside
2 in the residence of the caregiver.

3 ~~(8)~~(9) “Training” means an activity, approved by the Commissioner or
4 the Commissioner’s designee, that is likely to lead to employment or required
5 to maintain employment.

6 **Sec. 14. RULEMAKING; CHILD CARE FACILITIES**

7 Pursuant to 3 V.S.A. chapter 25, the Commissioner for Children and
8 Families shall amend the Department’s rules pertaining to licensed center-
9 based child care programs and licensed and regulated family child care homes
10 to limit enrollment in these child care facilities to children four years of age
11 and under who are not yet eligible to be enrolled in kindergarten, except that
12 students enrolled in kindergarten through secondary school shall be eligible for
13 child care services provided afterschool or during school vacation. The
14 Commissioner shall repeal portions of the Department’s rule on center-based
15 child care and preschool programs that pertain specifically to preschool.

16 * * * Conforming Changes for the Expansion of Kindergarten and
17 Elimination of Prekindergarten * * *

18 Sec. 15. 16 V.S.A. § 255 is amended to read:

19 § 255. PUBLIC AND INDEPENDENT SCHOOL EMPLOYEES;

20 CONTRACTORS

21 * * *

1 (k) The requirements of this section shall not apply to superintendents and
2 headmasters with respect to persons operating or employed by a child care
3 facility, as defined under 33 V.S.A. § 3511, that provides prekindergarten
4 education pursuant to section 829 of this title and that is required to be licensed
5 by the Department for Children and Families pursuant to 33 V.S.A. § 3502.
6 Superintendents and headmasters are not prohibited from conducting a
7 criminal record check as a condition of hiring an employee to work in a child
8 care facility that provides prekindergarten education operated by the school.

9 [Repealed.]

10 * * *

11 Sec. 16. 16 V.S.A. § 261 is amended to read:

12 § 261. ORGANIZATION AND ADJUSTMENT OF SUPERVISORY

13 UNIONS

14 (a) The State Board shall review on its own initiative or when requested as
15 per subsection (b) of this section and may regroup the supervisory unions of
16 the State or create new supervisory unions in such manner as to afford
17 increased efficiency or greater convenience and economy and to facilitate
18 ~~prekindergarten~~ kindergarten through grade 12 curriculum planning and
19 coordination as changed conditions may seem to require.

20 * * *

1 (c) The State Board may designate any school district, including a unified
2 union district, as a supervisory district if it will provide for the education of all
3 resident students in ~~prekindergarten~~ kindergarten through grade 12 and is large
4 enough to support the planning and administrative functions of a supervisory
5 union.

6 * * *

7 Sec. 17. 16 V.S.A. § 722 is amended to read:

8 § 722. UNIFIED UNION DISTRICTS

9 (a) A union school district shall be known as a unified union district if it
10 provides for the education of resident ~~prekindergarten~~ kindergarten-grade 12
11 students, whether by:

12 * * *

13 Sec. 18. 16 V.S.A. § 2905 is amended to read:

14 § 2905. ~~PREKINDERGARTEN~~ KINDERGARTEN-16 COUNCIL

15 (a) A ~~Prekindergarten~~ Kindergarten-16 Council (the “Council”) is created
16 to help coordinate and better align the efforts of the ~~prekindergarten~~
17 kindergarten-12 educational system with the higher education community in
18 order to increase:

19 * * *

20 (c) The Council shall develop and regularly update a statewide plan to
21 increase aspirations for and the successful completion of postsecondary

1 education among students of all ages and otherwise advance the purposes for
2 which the ~~council~~ Council is created, which shall include strategies to:

3 * * *

4 (3) identify and address areas of educator preparation that could benefit
5 from improved collaboration between the ~~prekindergarten~~ kindergarten-12
6 educational system and the higher education community;

7 * * *

8 (10) ensure implementation of a ~~prekindergarten~~ kindergarten-16
9 longitudinal data system, which it shall use to assess the success of the plan
10 required by this subsection.

11 * * *

12 Sec. 19. 16 V.S.A. § 2906 is amended to read:

13 § 2906. VERMONT EXPANDED LEARNING OPPORTUNITIES SPECIAL
14 FUND ESTABLISHED

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

21 * * *

1 Sec. 20. 16 V.S.A. § 2959a is amended to read:

2 § 2959a. EDUCATION MEDICAID RECEIPTS

3 * * *

4 (e) Supervisory unions shall use funds received under this section to pay
5 for reasonable costs of administering the Medicaid claims process, and school
6 districts or supervisory unions shall use funds received under this section for
7 prevention and intervention programs in ~~prekindergarten~~ kindergarten through
8 grade 12. The programs shall be designed to facilitate early identification of
9 and intervention with children with disabilities and to ensure all students
10 achieve rigorous and challenging standards approved and adopted by the State
11 Board or locally adopted standards. A supervisory union shall provide annual
12 written justification to the Secretary of Education on how it or its member
13 districts used the funds. Such annual submission shall show how the funds'
14 use is expressly linked to those provisions of the supervisory union's action
15 plan that directly relate to improving student performance. A supervisory
16 union shall include in its annual report the amount of the prior year's Medicaid
17 reimbursement revenues and the use of Medicaid funds consistent with the
18 purposes set forth in this subsection.

19 * * *

20 Sec. 21. 16 V.S.A. § 4015 is amended to read: *[section in effect July 1, 2019]*

21 § 4015. SMALL SCHOOL SUPPORT

1 (a) In this section:

2 * * *

3 (4) “Average grade size” means two-year average enrollment divided by
4 the number of grades taught in the district on October 1. For purposes of this
5 calculation, kindergarten and ~~prekindergarten programs~~ essential early
6 education service programs shall be counted together as one grade.

7 * * *

8 Sec. 22. 18 V.S.A. § 1120 is amended to read:

9 § 1120. DEFINITIONS

10 As used in this subchapter:

11 (1) “Child care facility” means a child care facility or family day care
12 home licensed or registered under 33 V.S.A. chapter 35, unless exempted by
13 rule adopted under section 1123 of this title.

14 (2) “School” means a public or independent ~~prekindergarten,~~
15 kindergarten, elementary, or secondary school, or any postsecondary school as
16 defined in 16 V.S.A. § 176(b), unless exempted by rule adopted pursuant to
17 section 1123 of this title.

18 Sec. 23. 18 V.S.A. § 9491 is amended to read:

19 § 9491. HEALTH CARE WORKFORCE; STRATEGIC PLAN

20 * * *

1 (b) The Director or designee shall collaborate with the area health
2 education centers, the Workforce Development Council established in
3 10 V.S.A. § 541, the ~~Prekindergarten~~ Kindergarten-16 Council established in
4 16 V.S.A. § 2905, the Department of Labor, the Department of Health, the
5 Department of Vermont Health Access, and other interested parties, to develop
6 and maintain the plan. The Director of Health Care Reform shall ensure that
7 the strategic plan includes recommendations on how to develop Vermont's
8 health care workforce, including:

9 * * *

10 Sec. 24. 19 V.S.A. § 921 is amended to read:

11 § 921. SCHOOL ZONES

12 (a) Municipalities shall erect or cause to be erected on all public highways
13 near a school warning signs conforming to the standards of the manual on
14 uniform traffic control devices as provided in 23 V.S.A. § 1025.

15 (b) For the purposes of this section and 23 V.S.A. § 1025, the term
16 “school” shall include school district-operated ~~prekindergarten~~ kindergarten
17 program facilities owned or leased by a school district.

18 Sec. 25. 32 V.S.A. § 5813 is amended to read:

19 § 5813. STATUTORY PURPOSES

20 * * *

1 (c) The statutory purpose of the Vermont credit for child and dependent
2 care in subsection 5822(d) of this title is to provide financial assistance to
3 employees who must incur dependent care expenses to stay in the workforce ~~in~~
4 the absence of prekindergarten programming.

5 * * *

6 * * * Effective Dates * * *

7 Sec. 26. EFFECTIVE DATES

8 (a) Secs. 8–25 (expansion of kindergarten education and related sections)
9 shall take effect on [TO BE DETERMINED].

10 (b) This section and the remaining sections shall take effect on July 1,
11 2018, and Sec. 6(c) shall apply to the subsequent election of district officers of
12 a unified union school district.

13
14
15 (Committee vote: _____)

16 _____

17 Representative _____

18 FOR THE COMMITTEE

19
20

1 PRELIMINARY COMMITTEE DISCUSSION TO DELETE THESE
2 SECTIONS:

3 * * * Child Abuse and Neglect Hotline * * *

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

5 § 914. CHILD ABUSE AND NEGLECT HOTLINE

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

12 * * * Postsecondary Educational Institutions; Closing * * *

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

14 § 175. POSTSECONDARY EDUCATIONAL INSTITUTIONS; CLOSING

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

19 (1) promptly inform the State Board;

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

4 (3) deliver the records to a person designated by the State Board to act
5 as permanent repository for the institution’s records, together with the
6 reasonable cost of entering and maintaining the records.

7 * * *

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

13 (e) When an institution of higher education is unable or unwilling to
14 comply with the requirements of subsection (a) of this section, the State Board
15 may expend State funds necessary to ensure the proper storage and availability
16 of the institution’s records. The Attorney General shall then seek recovery
17 under this subsection, in the name of the State, of all of the State’s incurred
18 costs and expenses, including attorney’s fees, arising from the failure to
19 comply. Claims under this subsection shall be a lien on all the property of a
20 defaulting institution, until all claims under this subsection are satisfied. The

1 lien shall take effect from the date of filing notice thereof in the records of the
2 town or towns where property of the defaulting institution is located.

3 * * *

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

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

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

19 (2) The student record plan shall include an agreement with an
20 institution of higher education or other entity to act as a repository for the

1 institution's records with funds set aside, if necessary, for the permanent
2 maintenance of the student records.

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

5 * * * Interstate School District * * *

6 Sec. 7. INTERSTATE SCHOOL DISTRICT

7 In order to increase educational opportunities for students in the Stamford
8 school district, and given the geographic and other challenges involved in
9 merging the Stamford school district with another Vermont school district, the
10 General Assembly supports the creation of an interstate school district that
11 would combine the Stamford school district with the Clarksburg,
12 Massachusetts, school district.