

Testimony RE: S.257 (An Act Relating to Miscellaneous Changes to Education Law)

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POST SECONDARY EDUCATIONAL INSTITUTIONS; CLOSING (16 V.S.A. § 175)

Student records of the following closed post-secondary schools are in the legal custody the Vermont State Archives and Records Administration (VSARA), which provides certified copies of transcripts to former students.

1. Ethan Allen Community College
2. Green Mountain Institute College of Oriental Medicine
3. Mark Hopkins College
4. Middlesex College
5. Northeast College of Healing Arts and Science
6. Rutland Business College
7. Rutland United States School of Professional Paperhanging
8. Whitman's Academy of Hair Design
9. Windham College

The above records came into the legal custody of VSARA after the records were found to be largely abandoned by the Vermont Department of Education (DOE) in the State Records Center, which VSARA took over from the Department of Buildings and General Services (BGS) in 2008. VSARA and DOE entered into an agreement to resolve the situation in February 2009 with VSARA assuming legal and physical custody for this one, defined set of closed post-secondary schools – and no additional schools.

Student Records and Transcripts

16 V.S.A. § 175 has largely focused on storage (“permanent repository”) and not the responsibilities and obligations of actively providing registrar functions. Examples of responsibilities and obligations of assuming a closed school’s registrar functions include:

- Official transcripts, including evidence of serving as an agent for a closed school
- Enrollment and degree verifications, particularly in the semesters after a school closes
- Issuance of diplomas, if school closes prior to graduation, and replacement diplomas
- Receipts of transactions, such as tuition payments and loan/grant disbursements
- Compliance with Family Educational Rights and Privacy Act (FERPA) for all requests

Assuming responsibilities for a closed post-secondary school’s records is a significant undertaking with “storage” being the lesser of concerns. In addition, while the 1978 closing of Windham College resulted in a simplistic set of records comprised of alphabetized student transcripts, the more recent closing of Burlington College involved a complicated set of records

comprised largely of electronic data sets and systems and miscellaneous paper records – not to mention financials and administrative records of the College, all of which are also as important as student records and equally need to be appropriately managed beyond “storage.”

Vermont School of Cosmetology

Prior to the closing of Burlington College in 2016, the contemporary complexities associated with the closing of a post-secondary school resulted in a presumed loss of records. In April 2014, the Vermont College of Cosmetology abruptly and unexpectedly closed its doors. It gave no notice to students and had no teach-out plan. The students, all potential cosmetology licensees, called the Secretary of State’s Office, specifically the Office of Professional Regulation (OPR), for assistance. OPR, in turn, reached out to the Vermont State Board of Education and the Vermont Department of Education, which debated whether or not the Vermont College of Cosmetology was a post-secondary school falling under its jurisdiction.

The students, many of which were receiving Title IV funding (e.g. Federal Pell Grants, Federal Perkins Loans, Federal Subsidized and Unsubsidized Direct Loans, etc.) found themselves unsupported in their efforts to address their grants and loans, in addition to their own student records. Another Vermont cosmetology school reportedly assumed responsibility for both financial and academic records of former Vermont College of Cosmetology students who immediately enrolled in its school. For all other students, however, several have contacted VSARA over the last three years anxiously trying to locate recorded evidence of their grants, loans and student transcripts.

Recommendation

The questions raised by the Agency of Education when it assumed responsibility of Burlington College records echoed those raised by the closing of the Vermont College of Cosmetology, albeit at a larger and more complicated scale. In both cases, VSARA was approached to possibly serve as the “permanent repository” because we operate records storage facilities; the need, however, is not about “storage.” Instead, it is about who should (or who will) assume the responsibilities and obligations of actively providing records and information for as long as needed: it’s the continuity of business services and functions that truly needs to be addressed.

Based on the questions that have been raised over the last ten years and notable gaps, I have the following recommendations:

1. A receiver (or similar entity) to act as custodian of the school's assets, including records, and operations until all matters with the closing are resolved and to serve as the point of contact for those directly affected by the closing.
2. A stable entity that already has the infrastructure, systems and policies in place to continue to provide official transcripts, verifications, etc. to former students in accordance with Family Educational Rights and Privacy Act (FERPA) and related laws.