

1 TO THE HONORABLE SENATE:

2 The Committee on Education respectfully reports that it has considered
3 Senate Bill No. 130 entitled “An act relating to making miscellaneous changes
4 to education laws” and recommends that the bill be amended as follows:

5 First: By adding a new section to be Sec. 20, with reader assistance, to
6 read:

7 * * * Surety Bond; Postsecondary Institutions * * *

8 Sec. 20. 16 V.S.A. § 175 is amended to read:

9 § 175. POSTSECONDARY EDUCATIONAL INSTITUTIONS; CLOSING

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

14 (1) promptly inform the State Board;

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

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

21 * * *

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

11 * * *

12 (g)(1) Each institution of higher education accredited in Vermont, except
13 institutions that are members of the Association of Vermont Independent
14 Colleges (AVIC), the University of Vermont, and the Vermont State Colleges,
15 shall acquire and maintain a bond, from a corporate surety licensed to do
16 business in Vermont, in the amount of \$100,000.00 to cover costs that may be
17 incurred by the State under subsection (e) of this section due to the institution's
18 failure to comply with the requirements of subsection (a) of this section, and
19 the institution shall provide evidence of the bond to the Secretary within 30
20 days of receipt. The State shall be entitled to recover up to the full amount of

1 the bond in addition to the other remedies provided in subsection (e) of this
2 section.

3 (2) AVIC shall maintain a memorandum of understanding with each of
4 its member colleges under which each member college agrees to:

5 (A) upon the request of AVIC, properly administer the student
6 records of a member college that fails to comply with the requirements of
7 subsection (a) of this section; and

8 (B) contribute on an equitable basis and in a manner determined in
9 the sole discretion of AVIC to the costs of another AVIC member or other
10 entity selected by AVIC maintaining the records of a member college that fails
11 to comply with the requirements of subsection (a) of this section.

12 Second: By striking out the original Sec. 20 in its entirety and inserting in
13 lieu thereof a new section to read:

14 Sec. 21. EFFECTIVE DATES

15 (a) This section, Secs. 1–5, 9–12, and 14–19 shall take effect on passage.

16 (b) Secs. 6–8 (speech-language pathologists) shall take effect on January 1,
17 2018.

18 (c) Sec. 13 (State-placed students) shall take effect beginning with the
19 2017–2018 school year.

20 (d) Sec. 20 (surety bond; postsecondary institutions) shall take effect on
21 October 1, 2017.

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3 (Committee vote: _____)

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Senator _____

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FOR THE COMMITTEE