

1 S.164

2 Introduced by Committee on Education

3 Date: March 19, 2019

4 Subject: Education; miscellaneous

5 Statement of purpose of bill as introduced: This bill proposes to make
6 miscellaneous changes to education law.

7 An act relating to miscellaneous changes to education law

8 It is hereby enacted by the General Assembly of the State of Vermont:

9 * * * Postsecondary Educational Institutions; Closing * * *

10 Sec. 1. 16 V.S.A. § 175 is amended to read:

11 § 175. POSTSECONDARY EDUCATIONAL INSTITUTIONS; CLOSING

12 (a)(1) The Association of Vermont Independent Colleges (AVIC) shall
13 maintain a memorandum of understanding with each covered college, which
14 are its member colleges and each college that was a member of AVIC within
15 the prior year, under which each covered college agrees to:

16 (A) upon the request of AVIC, properly administer the student
17 academic records of a covered college that fails to comply with the
18 requirements of this subsection; and

1 (B) contribute on an equitable basis and in a manner determined in
2 the sole discretion of AVIC to the costs of another covered college or other
3 entity selected by AVIC maintaining the records of a covered college that fails
4 to comply with the requirements of this subsection.

5 (2)(A) If an institution of higher education is placed on probation by its
6 accrediting agency, the institution shall:

7 (i) not later than five business days after learning that it has been
8 placed on probation, inform the State Board of Education of its status, and

9 (ii) not later than 60 days after being placed on probation, submit
10 an academic record plan for students to the State Board for approval.

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

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

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

21 (4)(A) promptly inform the State Board;

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

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

7 (b) Persons acting as a repository may microfilm records received under
8 this section.

9 (c) Students and former students of the discontinuing institution shall be
10 entitled to verified copies of their academic records upon payment of a
11 reasonable fee.

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

17 (e) When an institution of higher education is unable or unwilling to
18 comply with the requirements of subsection (a) of this section, the State Board
19 may expend State funds necessary to ensure the proper storage and availability
20 of the institution's records. The Attorney General shall then seek recovery
21 under this subsection, in the name of the State, of all of the State's incurred

1 costs and expenses, including attorney's fees, arising from the failure to
2 comply. Claims under this subsection shall be a lien on all the property of a
3 defaulting institution, until all claims under this subsection are satisfied. The
4 lien shall take effect from the date of filing notice thereof in the records of the
5 town or towns where property of the defaulting institution is located.

6 (f) The State Board shall adopt rules under this section for its proper
7 administration. The rules may include provisions for preparing and
8 maintaining transferred records. Persons acting as a repository of records are
9 bound only by maintenance provisions to which they agreed before receiving
10 transferred records.

11 ~~(g) The Association of Vermont Independent Colleges (AVIC) shall~~
12 ~~maintain a memorandum of understanding with each of its member colleges~~
13 ~~under which each member college agrees to:~~

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

1 ~~(2) contribute on an equitable basis and in a manner determined in the~~
2 ~~sole discretion of AVIC to the costs of another AVIC member or other entity~~
3 ~~selected by AVIC maintaining the records of a member college that fails to~~
4 ~~comply with the requirements of subsection (a) of this section.~~

5 Sec. 2. TRANSITION

6 On or before August 1, 2019, the Association of Vermont Independent
7 Colleges (AVIC) shall amend its memorandum of understanding with its
8 member colleges under 16 V.S.A. § 175 to require that each member college
9 that terminates its membership with AVIC continue to comply with the terms
10 of the memorandum for a period of one year after the date of termination.

11 * * * Task Force on Campus Sexual Harm; Report * * *

12 Sec. 3. TASK FORCE ON CAMPUS SEXUAL HARM; REPORT

13 (a) Creation. There is created the Task Force on Campus Sexual Harm to
14 examine issues relating to responses to sexual harm, dating and intimate
15 partner violence, and stalking on campuses of postsecondary educational
16 institutions in Vermont.

(b) Membership. The Task Force shall be composed of the following
15 ~~15~~ 17 members:

17 (1) one current member of the House of Representatives, appointed by
18 the Speaker of the House;

19 (2) one current member of the Senate, appointed by the Committee on
20 Committees;

1 (3) two survivors of campus sexual assault, domestic violence, or
2 stalking incidents, appointed by Vermont Center for Crime Victim Services;

3 (4) the Executive Director of the Vermont Network Against Domestic
4 and Sexual Violence or designee;

5 (5) one representative of a community-based sexual violence advocacy
6 organization, appointed by the Vermont Network Against Domestic and
7 Sexual Violence;

8 (6) three Title IX Coordinators, one employed and appointed by the
9 University of Vermont, one employed and appointed by the Vermont State
10 Colleges, and one employed by a Vermont independent postsecondary
11 educational institution, appointed by the President of the Association of
12 Vermont Independent Colleges;

13 (7) one campus health and wellness educator or sexual violence
14 prevention educator working in a Vermont postsecondary educational
15 institution, appointed by the Higher Education Subcommittee of the
16 Prekindergarten–16 Council;

17 (8) one victim advocate working in a Vermont postsecondary
18 educational institution, appointed by the Higher Education Subcommittee of
19 the PreK–16 Council;

1 (9) two students who are members of campus groups representing
2 traditionally marginalized communities, appointed by the Higher Education
3 Subcommittee of the Prekindergarten–16 Council;

4 ~~(10) one community-based restorative justice practitioner, appointed~~
5 ~~by the Community Justice Network of Vermont; and~~

6 ~~(11) one representative appointed by the Pride Center of Vermont;~~

(10) one community-based restorative justice practitioner, appointed
by the Community Justice Network of Vermont;

(11) one representative appointed by the Pride Center of Vermont;

(12) one representative appointed by the Vermont Office of the
Defender General; and

(13) one representative appointed by the Vermont Department of
State's Attorneys and Sheriffs.

7 (c) Powers and duties. The Task Force shall study the following:

8 (1) The pathways for survivors of sexual harm in postsecondary
9 educational institutional settings to seek healing and justice and
10 recommendations to increase or enhance those pathways.

11 (2) Issues with Vermont's campus adjudication processes as identified
12 by survivors of sexual harm, dating and intimate partner violence, or stalking
13 in postsecondary educational institutional settings, including the interface
14 between campus adjudication processes and law enforcement.

15 (3) Issues relating to transparency, safety, and accountability of
16 outcomes in campus conduct adjudication processes for sexual harm, dating
17 and intimate partner violence, or stalking, including:

1 (A) current and best practices relating to outcomes conveyed
2 through a student’s transcript record;

3 (B) the effectiveness of acts passed in New York in 2015 to address
4 campus sexual assault and in Virginia in 2015 to include a notation “on the
5 transcript of each student who has been suspended for, has been permanently
6 dismissed for, or withdraws from the institution while under investigation for
7 an offense involving sexual violence under the institution’s code, rules, or set
8 of standards governing student conduct”;

9 (C) the effectiveness of requiring that student transcript records
10 note expulsions or suspensions in order to trigger follow-up conversations
11 between the transferring and receiving schools; and

12 (D) consideration of concerns raised by the Association of Title IX
13 Administrators with regard to transcript notation, in support of proposed
14 federal legislation known as the Safe Transfer Act (H.R.6523, 114th
15 Congress).

16 (4) How to improve survivor safety in campus adjudication processes.

17 (5) Any State policy changes that should be made in response to
18 Title IX changes at the federal level.

19 (6) How to enhance ties between postsecondary educational
20 institutions and community organizations that focus on domestic and sexual
21 violence.

1 (d) Assistance. For purposes of scheduling meetings and preparing
2 recommended legislation, the Task Force shall have the assistance of the
3 Office of Legislative Council.

4 (e) Report. On or before January 15, 2020, the Task Force shall submit a
5 written report to the House and Senate Committees on Education and
6 Judiciary with its findings and any recommendations for legislative action.

7 (f) Meetings.

8 (1) The Executive Director of the Vermont Network Against Domestic
9 and Sexual Violence or designee shall call the first meeting of the Task Force
10 to occur on or before July 15, 2019.

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

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

14 (4) The Task Force shall cease to exist on January 16, 2020.

15 (g) Compensation and reimbursement.

16 (1) For attendance at meetings during adjournment of the General
17 Assembly, a legislative member of the Task Force serving in his or her
18 capacity as a legislator shall be entitled to per diem compensation and
19 reimbursement of expenses pursuant to 2 V.S.A. § 406 for not more than
20 seven meetings. These payments shall be made from monies appropriated to
21 the General Assembly.

1 ~~(1) Vermont has as a goal of 70 percent of the Vermont workforce~~
2 ~~having a credential of value by 2025;~~

3 ~~(2) most of the current and future jobs will require some education~~
4 ~~beyond high school;~~

5 ~~(3) approximately 40 percent of Vermont high school graduates do not~~
6 ~~pursue education beyond high school;~~

7 ~~(4) a growing percentage of the Vermont workforce is in need of skills~~
8 ~~attainment or upgrade;~~

9 ~~(5) college has become increasingly less affordable to Vermonters;~~

10 ~~(6) Vermont Technical College (VTC) and Vermont's career technical~~
11 ~~education centers (CTE centers) have expressed a desire for a stronger~~
12 ~~partnership to foster pathways for students attending CTE centers and high~~
13 ~~schools to attend college; and~~

14 ~~(7) the General Assembly desires to initiate assessment and planning for~~
15 ~~the delivery of accredited college education at CTE centers in Vermont as a~~
16 ~~means of enabling more Vermonters to access quality college-level technical~~
17 ~~education that will lead to well-paying jobs and careers.~~

18 ~~(b) Study by VTC.~~

19 ~~(1) VTC shall study how to best deliver all or a portion of fully~~
20 ~~accredited VTC certificate and degree programs at CTE centers in Vermont~~

21 ~~with the goals of:~~

1 ~~(A) enabling more students to access education beyond high school;~~

2 (B) providing pathways to VTC;

3 (C) enabling more students to obtain a degree from VTC; and

4 (D) meeting economic development and workforce education needs.

5 (2) The study shall examine the following:

6 (A) existing models around the United States or internationally that

7 deliver all or a portion of accredited college programs at high schools or

8 secondary technical centers, with a special focus on rural regions and regions

9 with declining populations;

10 (B) appropriate VTC programs to deliver;

11 (C) the financial risks of programmatic and funding model changes,

12 with the goals of not negatively impacting the accreditation status or the

13 financial status of any institution;

14 (D) how to meet accreditation standards and the required approvals

15 by accrediting bodies;

16 (E) funding models, including costs for students, institutions, and

17 adults;

18 (F) program scheduling; and

19 (G) resources needed for the best financial and academic outcomes

20 for students and all institutions involved.

1 ~~(c) Pilot program by VTC. VTC shall conduct a pilot program to provide~~
2 locally convenient and financially affordable option to high school students
3 and adult learners who want, while still enrolled with their CTE centers, to
4 also enroll in a high-demand, high-skill, industry-specific associate degree
5 offering. VTC shall collaborate with the CTE centers and receive
6 administrative and technical support from the Agency of Education in
7 conducting the pilot program. The pilot program shall commence on July 1,
8 2019 with the goal of awarding associate degrees in the fall of 2020. In
9 structuring the pilot program, VTC shall consider:
10 (1) alignment of degree programs with workforce priority needs and
11 career pathways identified by the Agency of Education;
12 (2) existing models around the United States or internationally that
13 deliver all or a portion of accredited college programs at high schools or
14 secondary technical centers, with a special focus on rural regions and regions
15 with declining populations;
16 (3) sustainable funding models, including costs for students, institutions,
17 and adults;
18 (4) the financial risks of programmatic and funding model changes, with
19 the goals of not negatively impacting the accreditation status or the financial
20 status of any institution, and

1 ~~(5) management of class scheduling and CTE partnerships to ensure~~
2 ~~access and programmatic success.~~

3 (d) Reports. On or before December 15, 2019, VTC shall submit a written
4 report to the House and Senate Committees on Education and the State Board
5 of Education with its findings and recommendations from the study required
6 under subsection (b) of this section and the pilot program required under
7 subsection (c) of this section. On or before December 15, 2020, VTC shall
8 submit a supplemental written report to the House and Senate Committees on
9 Education and the State Board of Education with its findings and
10 recommendations from the pilot program required under subsection (c) of this
11 section.

12 (e) Appropriation. The sum of \$200,000.00 is appropriated for fiscal year
13 2019 from the General Fund to VTC to provide funding for the study required
14 under subsection (b) of this section and the pilot program required under
15 subsection (c) of this section. VTC may apply funding appropriated under this
16 section to retain appropriate expertise to assist it in structuring and conducting
17 the pilot program.

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* * * Effective Date * * *

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Sec. ~~5~~ 4. EFFECTIVE DATE

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This act shall take effect on passage.