

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Education to which was referred Senate Bill No. 164  
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 \* \* \* Postsecondary Educational Institutions; Closing \* \* \*

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

9 § 175. POSTSECONDARY EDUCATIONAL INSTITUTIONS; CLOSING

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

14 (A) upon the request of AVIC, act as repository for, and  
15 administrator of, the student academic records of a covered college that fails to  
16 comply with the requirements of this subsection; and

17 (B) contribute on an equitable basis and in a manner determined in  
18 the sole discretion of AVIC to the costs of another covered college or other  
19 entity selected by AVIC acting as repository for, and administrator of, the  
20 records of a covered college that fails to comply with the requirements of this  
21 subsection.

1           (2)(A) If an institution of higher education, whether or not chartered in  
2           this State, is placed on probation by its accrediting agency, the institution shall:

3                   (i) not later than five business days after learning that it has been  
4           placed on probation, inform the Agency of Education of its status, and

5                   (ii) not later than 60 days after being placed on probation, submit  
6           an academic record plan for students to the Agency of Education for approval.

7                   (B) The academic record plan shall include an agreement with an  
8           institution of higher education or other entity to act as repository for, and  
9           administrator of, the institution’s records, with funds set aside, if necessary, for  
10           performing these functions.

11                   (C) If the Secretary of Education does not approve the plan, the State  
12           may take action under subsections (d) and (e) of this section.

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

17                   (1)(A) promptly not later than five business days after proposing to  
18           discontinue its regular course of instruction, inform the State Board Agency of  
19           Education;

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

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

8           (4) If a private institution of higher education, whether or not chartered  
9 in this State, discontinues the regular course of instruction, either permanently  
10 or for a temporary period other than a customary vacation period, without  
11 having an agreement with another entity to act as a repository for, and  
12 administrator of, the institution's records, then the Vermont State Colleges  
13 shall become the permanent repository and administrator of those records. The  
14 Vermont Agency of Administration shall reimburse the Vermont State  
15 Colleges for fair and reasonable expenses incurred in performing these  
16 functions.

17           (b) Persons acting as a repository and administrator may microfilm records  
18 received under this section.

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

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

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

17 (f) The State Board shall adopt rules under this section for its proper  
18 administration. The rules may include provisions for preparing and  
19 maintaining transferred records. Persons acting as a repository and  
20 administrator of records are bound only by maintenance provisions to which  
21 they agreed before receiving transferred records.

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

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

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

11       Sec. 2. TRANSITION; BURLINGTON COLLEGE ACADEMIC RECORDS

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

17       (b) On or before August 1, 2019, the Agency of Education shall transfer the  
18       academic records of Burlington College to the Vermont State Colleges, and the  
19       Vermont State Colleges shall act as the permanent repository for, and  
20       administrator of, these records. The sum of \$120,000.00 is appropriated to the  
21       Vermont State Colleges from the General Fund in fiscal year 2020 to provide

1 funding for the performance of these services. Any unused portion of this  
2 appropriation shall revert to the General Fund.

3 \* \* \* Task Force on Campus Sexual Harm; Report \* \* \*

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

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

9 (b) Membership. The Task Force shall be composed of the following  
10 18 members:

11 (1) one current member of the House of Representatives, appointed by  
12 the Speaker of the House;

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

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

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

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

1           (6) three Title IX Coordinators, one employed and appointed by the  
2           University of Vermont, one employed and appointed by the Vermont State  
3           Colleges, and one employed by a Vermont independent postsecondary  
4           educational institution, appointed by the President of the Association of  
5           Vermont Independent Colleges;

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

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

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

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

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

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

1           (13) one representative appointed by the Vermont Department of  
2           State’s Attorneys and Sheriffs; and

3           (14) one representative appointed by the Executive Director of the  
4           Vermont Bar Association, with expertise in working with postsecondary  
5           educational institutions on the investigation and adjudication of sexual  
6           harassment and sexual assault allegations.

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:

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

20           (B) the effectiveness of acts passed in New York in 2015 to address  
21           campus sexual assault and in Virginia in 2015 to include a notation “on the

1 transcript of each student who has been suspended for, has been permanently  
2 dismissed for, or withdraws from the institution while under investigation for  
3 an offense involving sexual violence under the institution’s code, rules, or set  
4 of standards governing student conduct”;

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

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

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

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

15 (6) How to enhance ties between postsecondary educational  
16 institutions and community organizations that focus on domestic and sexual  
17 violence.

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

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

4           (f) Meetings.

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

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

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

11           (4) The Task Force shall cease to exist on March 16, 2020.

12           (g) Compensation and reimbursement.

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

19           (2) Other members of the Task Force who are not otherwise  
20           compensated for their service on the Task Force shall be entitled to per diem  
21           compensation and reimbursement of expenses as permitted under 32 V.S.A.

1       § 1010 for not more than seven meetings. These payments shall be made  
2       from monies appropriated to the Agency of Education.

3       (h) Appropriation. The sum of \$11,102.00 is appropriated to the Agency of  
4       Administration from the General Fund in fiscal year 2020 for per diem  
5       compensation and reimbursement of expenses for nonlegislative members of  
6       the Task Force. The sum of \$3,066.00 is appropriated to the General  
7       Assembly from the General Fund in fiscal year 2020 for per diem  
8       compensation and reimbursement of expenses for legislative members of the  
9       Task Force.

10                               \* \* \* Supervisory Board Representation \* \* \*

11       Sec. 4. SUPERVISORY BOARD REPRESENTATION

12       (a) Notwithstanding 16 V.S.A. § 261, if a supervisory union includes at  
13       least one member district that is a unified school district, then the State Board  
14       of Education, on its own initiative or at the request of the board of the  
15       supervisory union or the board of one or more of its member districts, may at  
16       any time adjust the supervisory union board representation under 16 V.S.A.  
17       § 266 to more fairly and accurately reflect the relative number of students for  
18       which each member district is responsible and the grades for which the  
19       districts operate schools.

20       (b) This section is repealed on July 1, 2020.

1                                   \* \* \* Delivery of Vermont Technical College  
2                                   Degree Programs at CTE Centers; Study; Pilot Programs \* \* \*

3       Sec. 5. DELIVERY OF VERMONT TECHNICAL COLLEGE  
4                                   DEGREE PROGRAMS AT CAREER TECHNICAL EDUCATION  
5                                   CENTERS IN VERMONT; STUDY; PILOT PROGRAMS

6               (a) Study by Vermont Technical College. The Vermont Technical  
7               College (VTC) shall study how to best deliver all or a portion of fully  
8               accredited VTC associate degree programs at CTE centers in Vermont. The  
9               study shall explore the viability of a new program to provide a locally  
10              convenient and financially affordable option to high school students and adult  
11              learners who want, while still enrolled with their CTE centers, to also enroll in  
12              a high-demand, high-skill, industry-specific associate degree offering. VTC  
13              shall collaborate with the CTE centers and the Agency of Education in  
14              conducting the study. In structuring the study, VTC shall consider:

- 15                   (1) alignment of degree programs with workforce priority needs and  
16                   career pathways identified by the Agency of Education;  
17                   (2) coherence with existing, State-supported postsecondary programs for  
18                   secondary students, such as dual enrollment and early college programs under  
19                   the flexible pathways laws, including potential impacts to, and alignment with,  
20                   those programs;

1           (3) sustainable funding models, including costs for students, institutions,  
2           and adults;

3           (4) the financial risks of programmatic and funding model changes, with  
4           the goals of not negatively impacting the accreditation status or the financial  
5           status of any institution, and

6           (5) management of class scheduling and CTE partnerships to ensure  
7           access and programmatic success.

8           (b) Reports.

9           (1) On or before December 15, 2019, VTC shall submit a written report  
10           to the House and Senate Committees on Education and the State Board of  
11           Education with its findings and recommendations from the study required  
12           under subsection (a) of this section.

13           (2) If VTC recommends from its study that all or a portion of fully  
14           accredited VTC associate degree programs should be offered at CTE centers in  
15           Vermont, then VTC shall, in the fall 2020 semester, conduct up to two pilot  
16           programs that offer these degree programs in at least two CTE centers. If these  
17           pilot programs are conducted, on or before January 15, 2021, VTC shall submit  
18           a supplemental written report to the House and Senate Committees on  
19           Education and the State Board of Education with its findings and  
20           recommendations from the pilot programs.

1        (c) Appropriation. The sum of \$200,000.00 is appropriated to the Agency  
2        of Administration for fiscal year 2020 from the General Fund to provide  
3        funding to VTC for the study and pilot programs under subsection (a) of this  
4        section. On or before July 1, 2019, the Agency of Administration shall  
5        distribute \$57,000.00 to VTC for the study. If the pilot programs are  
6        conducted by VTC, then the Agency of Administration shall, on or before  
7        January 1, 2020, distribute the remaining \$143,000.00 to VTC for the pilot  
8        programs. Any unused funds shall revert to the General Fund.

9                                \* \* \* Dual Enrollment; Continuation of Entitlement \* \* \*

10        Sec. 6. DUAL ENROLLMENT; CONTINUATION OF ENTITLEMENT

11        (a) Notwithstanding any provision of law to the contrary under 16 V.S.A. § 944, a  
12        Vermont resident student who attends an out-of-State high school that was  
13        designated as the public high school for the student’s district of residence  
14        under 16 V.S.A. § 827(e) shall continue to be entitled to the dual enrollment  
15        entitlement under section 944.

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



1           (5) one executive from the higher education community, with  
2           substantial experience in developing long-term organizational visions and  
3           strategies and working in a State-wide context, appointed by the Speaker of  
4           the House; and

5           (6) one executive from the nonprofit community, with substantial  
6           experience in developing long-term organizational visions and strategies and  
7           working in a State-wide context, appointed by the President Pro Tempore of  
8           the Senate.

9           (c) Duties. The Task Force shall:

10           (1) Review and analyze the outcomes from the past studies referenced  
11           in subdivision (a)(1) of this section, including, with respect to each study:

12                   (A) the goal of the study;

13                   (B) the data and other evidence examined;

14                   (C) who was involved in the study;

15                   (D) the conclusions and recommendations of the study; and

16                   (E) the response to the study by the General Assembly and the

17           Governor.

18           (2) Develop a long-term vision and strategy for the improvement of  
19           postsecondary education in Vermont for the next generation.

1           (d) Assistance. The Task Force shall have the technical and  
2           administrative assistance of the University of Vermont, the Vermont State  
3           Colleges, and the Vermont Student Assistance Corporation.

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

7           (f) Meetings.

8                   (1) The President of the University of Vermont shall call the first  
9                   meeting of the Task Force to occur on or before August 15, 2019.

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

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

13                   (4) The number of meetings of the Task Force shall be determined by  
14                   its Members.

15                   (5) The Task Force shall cease to exist on February 16, 2020.

16           (g) Compensation and reimbursement. No appropriation is made for  
17           compensation or reimbursement of expenses for the members of the Task  
18           Force.

19                                   \*\*\* School Facilities Working Group \*\*\*

20           **Sec. 8. PURPOSE AND INTENT**

1        In 2007, the General Assembly placed a moratorium on the State aid for  
2        school construction program. With this moratorium in place, it is the intent of  
3        the General Assembly to examine ways to address the needs of school  
4        facilities, with an emphasis on high-quality facilities and modern learning  
5        environments. As the General Assembly continues to examine this issue, the  
6        State aid for school construction remains suspended pursuant to the terms of  
7        2008 Acts and Resolves No. 200, Sec. 45 as amended by 2009 Acts and  
8        Resolves No. 54, Sec. 22, as further amended by 2013 Acts and Resolves  
9        No. 51, Sec. 45.

10       **Sec. 9. SCHOOL FACILITIES WORKING GROUP; REPORT**

11        (a) Creation. There is created the School Facilities Working Group to  
12        examine ways to address the needs of school facilities in Vermont schools.

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

15            (1) two current members of the House of Representatives, one from the  
16            Committee on Corrections and Institutions and one from the Committee on  
17            Education, who shall be appointed by the Speaker of the House;

18            (2) two current members of the Senate, one from the Committee on  
19            Education and one from the Committee on Institutions, who shall be  
20            appointed by the Committee on Committees;

21            (3) the Secretary of Education or designee;

1           (4) the executive director of the Vermont Superintendents Association  
2           or designee;

3           (5) the president of the Vermont School Custodians and Maintenance  
4           Association or designee;

5           (6) the president of the Vermont Association of School Business  
6           Officials or designee;

7           (7) the executive director of the Vermont School Boards Association  
8           or designee;

9           (8) the executive director of the Vermont Principals' Association or  
10          designee;

11          (9) the executive director of the Vermont-National Education  
12          Association or designee;

13          (10) the president of the Vermont School Boards Insurance Trust or  
14          designee; and

15          (11) one member, who is a Vermont-based architect knowledgeable in  
16          the field of school facility-related architecture, planning, and design,  
17          appointed by the President of the Vermont Chapter of the American Institute  
18          of Architects.

19          (c) Powers and duties. The Working Group shall, in consultation with  
20          educators, facilities staff, architects, and any other interested stakeholders,  
21          address topics relating to school facilities needs, including the following:

1           (1) A recommendation, in consultation with the Commissioner of  
2           Buildings and General Services, for how to create a cost-effective,  
3           comprehensive facilities condition assessment tool for public school  
4           buildings in Vermont for utilization by school district personnel. This  
5           assessment tool would be used to obtain a general understanding of the age,  
6           condition, proximity, design, and expectations for future renovation and  
7           utilization of each specific school building.

8           (2) A framework for defining the components of a modern school  
9           facility in the context of learning in the 21st century. This framework shall  
10           include needs and opportunities relating to:

- 11           (A) high quality learning environments;
- 12           (B) environmental, health, and safety issues and concerns;
- 13           (C) physical security and control of school facilities;
- 14           (D) energy efficiency improvements; and
- 15           (E) use of space in existing school facilities in response to  
16           demographic forecasts and school governance changes.

17           (d) Assistance. The Working Group shall have the administrative and  
18           technical assistance of the Agency of Education. The Working Group shall  
19           also have the assistance of the Office of Legislative Council and the Joint  
20           Fiscal Office.

1           (e) Report. On or before November 15, 2019, the Working Group shall  
2           submit a written report to the House Committees on Corrections and  
3           Institutions and on Education and the Senate Committees on Education and  
4           on Institutions with its findings and any recommendations for legislative  
5           action.

6           (f) Meetings.

7           (1) The Secretary of Education shall call the first meeting of the  
8           Working Group to occur on or before June 15, 2019.

9           (2) The Working Group shall select a chair from among its members at  
10          the first meeting.

11          (3) A majority of the membership of the Working Group shall  
12          constitute a quorum.

13          (4) The Working Group is authorized to meet up to five times prior to  
14          the issuance of the report described in subsection (e) of this section. To the  
15          extent feasible, meetings shall be scheduled in diverse categories of schools  
16          and geographic locations throughout the State.

17          (5) The Working Group shall cease to exist on July 1, 2020.

18          (g) Compensation and reimbursement. For attendance at meetings during  
19          adjournment of the General Assembly, a legislative member of the Working  
20          Group serving in his or her capacity as a legislator shall be entitled to per  
21          diem compensation and reimbursement of expenses pursuant to 2 V.S.A.

1 § 406 for not more than five meetings. These payments shall be made from  
2 monies appropriated to the General Assembly.

3 **Sec. 10. STATE AID FOR SCHOOL CONSTRUCTION; STUDY;**  
4 **REPORT**

5 The State Treasurer shall analyze options, if any, for the State to assist in  
6 funding and financing school construction projects. On or before March 15,  
7 2020, the State Treasurer shall submit a written report based on the analysis  
8 to the House Committees on Corrections and Institutions and on Education,  
9 and the Senate Committees on Education and on Institutions. The report  
10 shall include recommendations for funding and financing school construction  
11 projects.

12 \* \* \* Effective Date \* \* \*

13 **Sec. 11. EFFECTIVE DATE**

14 This act shall take effect on passage.

15

16

17

18 (Committee vote: \_\_\_\_\_)

19

20

21

\_\_\_\_\_

Representative \_\_\_\_\_

FOR THE COMMITTEE