

1 Introduced by Committee on Education

2 Date:

3 Subject: Education; State Board of Education; postsecondary schools; closings

4 Statement of purpose of bill as introduced: This bill proposes to require that, if  
5 an institution of higher education is placed on probation by its accrediting  
6 agency, the institution shall inform the State Board of Education of its status  
7 and submit an academic record plan for students to the State Board for  
8 approval. The academic record plan would be required to include an  
9 agreement with an institution of higher education or other entity to act as a  
10 repository for the institution's records with funds set aside, if necessary, for the  
11 permanent maintenance of the academic records. This bill also proposes to  
12 require that, when student academic records are not delivered to a permanent  
13 repository, the Vermont State Archives and Records Administration would  
14 take custody of the student academic records and may retain a third party to  
15 maintain and administer the records.

16 An act relating to the closing of postsecondary schools

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

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

19 § 175. POSTSECONDARY EDUCATIONAL INSTITUTIONS; CLOSING

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

5 (1) promptly inform the State Board;

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

9 (3) deliver the records to a person designated by the State Board to act  
10 as permanent repository for the institution's records, together with the  
11 reasonable cost of entering and maintaining the records.

12 \* \* \*

13 (d) When an institution of higher education is unable or unwilling to  
14 comply substantially with the record preparation and delivery requirements of  
15 subsection (a) of this section, the State Board shall bring an action in Superior  
16 Court to compel compliance with this section, and may in a proper case ~~obtain~~  
17 designate the Vermont State Archives and Records Administration as  
18 temporary ~~custody~~ custodian of the records. In any case when student  
19 academic records are not delivered to a permanent repository under  
20 subdivision (a)(3) of this section, the Vermont State Archives and Records  
21 Administration shall take custody of the student academic records and may

1 retain a third party to maintain and administer these records. Neither the State,  
2 nor any of its agencies or instrumentalities, including the Vermont State  
3 Archives and Records Administration, shall be subject to civil or criminal  
4 liability for its failure under this subsection to properly maintain student  
5 academic records or for the loss of, or damage to, these 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 may expend State funds necessary to ensure the proper storage and availability  
9 of the institution's records. The Attorney General shall then seek recovery  
10 under this subsection, in the name of the State, of all of the State's incurred  
11 costs and expenses, including attorney's fees, arising from the failure to  
12 comply. Claims under this subsection shall be a lien on all the property of a  
13 defaulting institution, until all claims under this subsection are satisfied. The  
14 lien shall take effect from the date of filing notice thereof in the records of the  
15 town or towns where property of the defaulting institution is located.

16 \* \* \*

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

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

4           ~~(2) contribute on an equitable basis and in a manner determined in the~~  
5           ~~sole discretion of AVIC to the costs of another AVIC member or other entity~~  
6           ~~selected by AVIC maintaining the records of a member college that fails to~~  
7           ~~comply with the requirements of subsection (a) of this section. If an institution~~  
8           ~~of higher education is placed on probation by its accrediting agency, the~~  
9           ~~institution shall:~~

10           ~~(A) not later than five business days after learning that it has been~~  
11           ~~placed on probation, inform the State Board of Education of its status; and~~

12           ~~(B) not later than 60 days after being placed on probation, submit an~~  
13           ~~academic record plan for students to the State Board for approval.~~

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

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

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1 **Sec. 2. BURLINGTON COLLEGE RECORDS**

2 (a) On or before August 1, 2019, the Agency of Education shall transfer the  
3 Burlington College student academic records to the Vermont State Archives  
4 and Records Administration. The Vermont State Archives and Records  
5 Administration shall take custody of these student academic records and may  
6 retain a third party to maintain and administer these records.

7 (b) Neither the State, nor any of its agencies or instrumentalities, including  
8 the Vermont State Archives and Records Administration, shall be subject to  
9 civil or criminal liability for its failure under this section to properly maintain  
10 the Burlington College student academic records or for the loss of, or damage  
11 to, these records.

12 **Sec. 3. EFFECTIVE DATE**

13 This act shall take effect on passage.