

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

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

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

3 § 175. POSTSECONDARY EDUCATIONAL INSTITUTIONS; CLOSING

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

8 (1) promptly inform the State Board;

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

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

15 * * *

16 (d) When an institution of higher education is unable or unwilling to
17 comply substantially with the record preparation and delivery requirements of
18 subsection (a) of this section, the State Board shall bring an action in Superior
19 Court to compel compliance with this section, and may in a proper case ~~obtain~~
20 designate the Vermont State Archives and Records Administration as
21 temporary ~~eustody~~ custodian of the records. In any case when student

1 academic records are not delivered to a permanent repository under
2 subdivision (a)(3) of this section, the Vermont State Archives and Records
3 Administration shall take custody of the student academic records and may
4 retain a third party to maintain and administer these records. Neither the State
5 nor any of its agencies or instrumentalities, including the Vermont State
6 Archives and Records Administration, shall, if acting in good faith, be subject
7 to civil or criminal liability for its failure under this subsection to properly
8 maintain student academic records or for the loss of, or damage to, these
9 records.

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

20 * * *

1 (g)(1) ~~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. If an institution~~
11 ~~of higher education is placed on probation by its accrediting agency, the~~
12 ~~institution shall:~~

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

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

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

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

3 Sec. 2. BURLINGTON COLLEGE RECORDS

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

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

14 Sec. 3. TRANSITION

15 On or before August 1, 2019, the Agency of Education shall enter into a
16 memorandum of understanding with the Vermont State Archives and Records
17 Administration with respect to the use and maintenance of education records
18 that complies with the Family Educational Rights and Privacy Act of 1974 and
19 the rules under that Act.

20 Sec. 4. EFFECTIVE DATE

21 This act shall take effect on passage.