

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 Agency 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 Department of Finance and Management shall reimburse the  
15 Vermont State Colleges for fair and reasonable expenses, as determined by the  
16 Agency of Education, incurred in performing these 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 Agency of Education shall adopt rules under this  
18 section for its proper administration. The rules may include provisions for  
19 preparing and maintaining transferred records. Persons acting as a repository  
20 and administrator of records are bound only by maintenance provisions to  
21 which 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.

