

S.224

An act relating to making miscellaneous changes to education laws

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

* * * Postsecondary Educational Institutions; Closing * * *

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

§ 175. POSTSECONDARY EDUCATIONAL INSTITUTIONS; CLOSING

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

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

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

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

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

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

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

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

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

(1)(A) promptly inform the ~~State Board~~ Secretary;

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

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

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

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

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

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

(f) The State Board shall adopt rules under this section for its proper administration. The rules may include provisions for preparing and maintaining transferred records. Persons acting as a repository of records are

bound only by maintenance provisions to which they agreed before receiving transferred records.

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

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

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

Sec. 2. TRANSITION

On or before August 1, 2020, the Association of Vermont Independent Colleges (AVIC) shall amend its memorandum of understanding with its member colleges under 16 V.S.A. § 175 to require that each member college that terminates its membership with AVIC continue to comply with the terms of the memorandum for a period of one year after the date of termination.

* * * Oath; Repeal * * *

Sec. 3. 16 V.S.A. § 12 is amended to read:

§ 12. ~~OATH~~

~~A superintendent, a principal or teacher in a public school of the State, a professor, instructor, or teacher who will be employed by a university or college in the State that is supported in whole or in part by public funds, or a headmaster or teacher who will be employed by an independent school or other educational institution accepted by the Agency as furnishing equivalent education, before entering upon the discharge of his or her duties, shall subscribe to an oath or affirmation to support the U.S. Constitution, the Vermont Constitution, and all State and federal laws; provided, however, that an oath shall not be required of any person who is a citizen of a foreign country. [Repealed.]~~

* * * Small School Support * * *

Sec. 4. 16 V.S.A. § 4015 is amended to read:

§ 4015. SMALL SCHOOL SUPPORT

(a) ~~As used in~~ As used in this section:

* * *

(2) “Enrollment” means the number of students who are enrolled in a school operated by the district on October 1. A student shall be counted as one

whether the student is enrolled as a full-time or part-time student. Students enrolled in prekindergarten programs shall not be counted.

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* * * Electoral Functions; Union School Districts * * *

Sec. 5. ELECTORAL FUNCTIONS; UNION SCHOOL DISTRICT;
MEMBER DISTRICT THAT IS ALSO A UNION SCHOOL
DISTRICT

(a) If a union elementary or union high school district has a member district that is also a union school district, then the legislative body or appropriate officer of each city, town, or incorporated village within the member union school district shall perform electoral functions on behalf of the union elementary or union high school district, including accepting nominations, warning meetings, and conducting elections and the voting process on other matters, when those functions are ordinarily performed by and in member town districts on behalf of a union school district.

(b) This section is repealed on July 1, 2021.

* * * Gender Balance; UVM and VSC Boards * * *

Sec. 6. GENDER BALANCE; UNIVERSITY OF VERMONT AND
VERMONT STATE COLLEGES BOARDS

(a) The Board of Trustees of the University of Vermont (UVM) currently is composed of an overwhelming majority of men, with 20 men and five women.

The Board of Trustees of the Vermont State Colleges (VSC) currently has gender balance on its Board.

(b) The State goal is to have balanced representation on Vermont public bodies that ensures equity and the opportunity for all members of society to participate based on merit, regardless of their gender or gender identity, race, creed, national origin, marital status, sexual orientation, disability status, or any other personal descriptor. Given the gender imbalance on the UVM Board, it is not clear that this goal is being met by the appointers and electing authorities of Board members.

(c) Given that the UVM and VSC Boards have four categories of trustees, which include those appointed by the Governor, those elected by the General Assembly, and those elected by the self-perpetuating trustees, as well as student trustees, it is incumbent on the appointing and electing authorities to use their best efforts to further the State goal of ensuring that the Boards reflect the balance and composition of students, faculty, and the general population that they represent, recognizing that their efforts will be monitored by the General Assembly and the public.

(d) On or before January 31, 2021 and annually thereafter, as part of their annual budget presentations to the General Assembly, UVM and VSC shall provide, at a minimum, the most recent five years of information on the gender composition of their respective Boards of Trustees, as well any other

information the Boards have available on their diversity. This information shall include the appointing or electing authority, initial appointment date, and length of service and shall summarize recruitment and replacement strategies employed for recently expired and imminently expiring Trustee positions.

* * * Effective Date * * *

Sec. 7. EFFECTIVE DATE

This act shall take effect on passage.