TO THE HOUSE OF REPRESENTATIVES:

The Committee on Education to which was referred Senate Bill No. 164 entitled “An act relating to miscellaneous changes to education law” respectfully reports that it has considered the same and recommends that the House propose to the Senate that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

* * * 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, act as repository for, and administrator of, 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 acting as repository for, and administrator of, the records of a covered college that fails to comply with the requirements of this subsection.
(2)(A) If an institution of higher education, whether or not chartered in this State, 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 Agency 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 Agency of Education for approval.

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

(C) If the Secretary of Education 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 not later than five business days after proposing to discontinue its regular course of instruction, inform the State Board Agency of Education;
(2)(B) prepare the academic record of each current and former student in a form satisfactory to the State Board Agency of Education and including interpretive information required by the Board Agency of Education; and

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

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

(b) Persons acting as a repository and administrator 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.
(Draft No. 4.1 – S.164)  
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(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 Agency of Education** 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 Agency of Education** 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 and administrator 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; BURLINGTON COLLEGE ACADEMIC RECORDS

(a) On or before August 1, 2019, 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.

(b) On or before August 1, 2019, the Agency of Education shall transfer the academic records of Burlington College to the Vermont State Colleges, and the Vermont State Colleges shall act as the permanent repository for, and administrator of, these records. The sum of $120,000.00 is appropriated to the Vermont State Colleges from the General Fund in fiscal year 2020 to provide
funding for the performance of these services. Any unused portion of this
appropriation shall revert to the General Fund.

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

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

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

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

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

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

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

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

(5) one representative of a community-based sexual violence advocacy
organization, appointed by the Vermont Network Against Domestic and
Sexual Violence:
(6) three Title IX Coordinators, one employed and appointed by the University of Vermont, one employed and appointed by the Vermont State Colleges, and one employed by a Vermont independent postsecondary educational institution, appointed by the President of the Association of Vermont Independent Colleges;

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

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

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

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

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

(12) one representative appointed by the Vermont Office of the Defender General;
(13) one representative appointed by the Vermont Department of State’s Attorneys and Sheriffs; and

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

(c) Powers and duties. The Task Force shall study the following:

(1) The pathways for survivors of sexual harm in postsecondary educational institutional settings to seek healing and justice and recommendations to increase or enhance those pathways.

(2) Issues with Vermont’s campus adjudication processes as identified by survivors of sexual harm, dating and intimate partner violence, or stalking in postsecondary educational institutional settings, including the interface between campus adjudication processes and law enforcement.

(3) Issues relating to transparency, safety, and accountability of outcomes in campus conduct adjudication processes for sexual harm, dating and intimate partner violence, or stalking, including:

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

(B) the effectiveness of acts passed in New York in 2015 to address campus sexual assault and in Virginia in 2015 to include a notation “on the
transcript of each student who has been suspended for, has been permanently
dismissed for, or withdraws from the institution while under investigation for
an offense involving sexual violence under the institution’s code, rules, or set
of standards governing student conduct”;

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

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

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

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

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

(d) Assistance. For purposes of scheduling meetings and preparing
recommended legislation, the Task Force shall have the assistance of the
Office of Legislative Council.
(e) Report. On or before March 15, 2020, the Task Force shall submit a written report to the House and Senate Committees on Education and Judiciary with its findings and any recommendations for legislative action.

(f) Meetings.

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

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

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


(g) Compensation and reimbursement.

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

(2) Other members of the Task Force who are not otherwise compensated for their service on the Task Force shall be entitled to per diem compensation and reimbursement of expenses as permitted under 32 V.S.A.
§ 1010 for not more than seven meetings. These payments shall be made
from monies appropriated to the Agency of Education.

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

* * * Supervisory Board Representation * * *

Sec. 4. SUPERVISORY BOARD REPRESENTATION

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

(b) This section is repealed on July 1, 2020.
* * * Delivery of Vermont Technical College

Degree Programs at CTE Centers; Study; Pilot Programs * * *

Sec. 5. DELIVERY OF VERMONT TECHNICAL COLLEGE

DEGREE PROGRAMS AT CAREER TECHNICAL EDUCATION

CENTERS IN VERMONT; STUDY; PILOT PROGRAMS

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

(1) alignment of degree programs with workforce priority needs and career pathways identified by the Agency of Education;

(2) coherence with existing, State-supported postsecondary programs for secondary students, such as dual enrollment and early college programs under the flexible pathways laws, including potential impacts to, and alignment with, those programs;
(3) sustainable funding models, including costs for students, institutions, and adults;

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

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

(b) Reports.

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

(2) If VTC recommends from its study that all or a portion of fully accredited VTC associate degree programs should be offered at CTE centers in Vermont, then VTC shall, in the fall 2020 semester, conduct up to two pilot programs that offer these degree programs in at least two CTE centers. If these pilot programs are conducted, on or before January 15, 2021, VTC shall submit a supplemental written report to the House and Senate Committees on Education and the State Board of Education with its findings and recommendations from the pilot programs.
(Draft No. 4.1 – S.164)

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

*** Dual Enrollment; Continuation of Entitlement ***

Sec. 6. DUAL ENROLLMENT; CONTINUATION OF ENTITLEMENT

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

(b) This section is repealed on July 1, 2023.
* * * Future’s Task Force on Public Postsecondary Education in Vermont;  

Report * * *

Sec. 7. FUTURE’S TASK FORCE ON PUBLIC POSTSECONDARY EDUCATION

IN VERMONT

(a) Creation. There is created the Future’s Task Force on Public Postsecondary Education in Vermont to:

(1) review past studies commissioned over the last 40 years by the General Assembly, the Governor, and by various Vermont higher education entities on postsecondary education in Vermont; and

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

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

(1) the President of the University of Vermont;

(2) the Chancellor of the Vermont State Colleges;

(3) the President of the Vermont Student Assistance Corporation;

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

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

(c) Duties. The Task Force shall:

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

   (A) the goal of the study;

   (B) the data and other evidence examined;

   (C) who was involved in the study;

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

   (E) the response to the study by the General Assembly and the Governor.

(2) Develop a long-term vision and strategy for the improvement of postsecondary education in Vermont for the next generation.
(d) Assistance. The Task Force shall have the technical and administrative assistance of the University of Vermont, the Vermont State Colleges, and the Vermont Student Assistance Corporation.

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

(f) Meetings.

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

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

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

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

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

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

* * * School Facilities Working Group * * *

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

Sec. 9. SCHOOL FACILITIES WORKING GROUP; REPORT

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

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

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

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

(3) the Secretary of Education or designee;
(4) the executive director of the Vermont Superintendents Association or designee;

(5) the president of the Vermont School Custodians and Maintenance Association or designee:

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

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

(8) the executive director of the Vermont Principals’ Association or designee:

(9) the executive director of the Vermont-National Education Association or designee:

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

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

(c) Powers and duties. The Working Group shall, in consultation with educators, facilities staff, architects, and any other interested stakeholders, address topics relating to school facilities needs, including the following:
(1) A recommendation, in consultation with the Commissioner of Buildings and General Services, for how to create a cost-effective, comprehensive facilities condition assessment tool for public school buildings in Vermont for utilization by school district personnel. This assessment tool would be used to obtain a general understanding of the age, condition, proximity, design, and expectations for future renovation and utilization of each specific school building.

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

(A) high quality learning environments;

(B) environmental, health, and safety issues and concerns;

(C) physical security and control of school facilities;

(D) energy efficiency improvements; and

(E) use of space in existing school facilities in response to demographic forecasts and school governance changes.

(d) Assistance. The Working Group shall have the administrative and technical assistance of the Agency of Education. The Working Group shall also have the assistance of the Office of Legislative Council and the Joint Fiscal Office.
(e) Report. On or before November 15, 2019, the Working Group shall submit a written report to the House Committees on Corrections and Institutions and on Education and the Senate Committees on Education and on Institutions with its findings and any recommendations for legislative action.

(f) Meetings.

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

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

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

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


(g) Compensation and reimbursement. For attendance at meetings during adjournment of the General Assembly, a legislative member of the Working Group serving in his or her capacity as a legislator shall be entitled to per diem compensation and reimbursement of expenses pursuant to 2 V.S.A.
§ 406 for not more than five meetings. These payments shall be made from monies appropriated to the General Assembly.

Sec. 10. STATE AID FOR SCHOOL CONSTRUCTION; STUDY; REPORT

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

* * * Effective Date * * *

Sec. 11. EFFECTIVE DATE

This act shall take effect on passage.

(Committee vote: ____________)

______________________________
Representative ____________
FOR THE COMMITTEE