

1 Introduced by Committee on Education

2 Date:

3 Subject: Education; miscellaneous

4 Statement of purpose of bill as introduced: This bill proposes to make
5 miscellaneous changes to education law.

6 An act relating to miscellaneous changes to education law

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

8 * * * Postsecondary Educational Institutions; Closing * * *

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

10 § 175. POSTSECONDARY EDUCATIONAL INSTITUTIONS; CLOSING

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

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

18 (B) contribute on an equitable basis and in a manner determined in
19 the sole discretion of AVIC to the costs of another covered college or other

1 entity selected by AVIC maintaining the records of a covered college that fails
2 to comply with **the requirements of this subsection.**

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

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

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

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

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

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

19 (~~4~~) (A) promptly inform the State Board;

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

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

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

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

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

16 (e) When an institution of higher education is unable or unwilling to
17 comply with the requirements of subsection (a) of this section, the State Board
18 may expend State funds necessary to ensure the proper storage and availability
19 of the institution’s records. The Attorney General shall then seek recovery
20 under this subsection, in the name of the State, of all of the State’s incurred
21 costs and expenses, including attorney’s fees, arising from the failure to

1 comply. Claims under this subsection shall be a lien on all the property of a
2 defaulting institution, until all claims under this subsection are satisfied. The
3 lien shall take effect from the date of filing notice thereof in the records of the
4 town or towns where property of the defaulting institution is located.

5 (f) The State Board shall adopt rules under this section for its proper
6 administration. The rules may include provisions for preparing and
7 maintaining transferred records. Persons acting as a repository of records are
8 bound only by maintenance provisions to which they agreed before receiving
9 transferred records.

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

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

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

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

21 Sec. 2. TASK FORCE ON CAMPUS SEXUAL HARM; REPORT

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

5 (b) Membership. The Task Force shall be composed of the following
6 15 members:

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

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

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

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

15 (5) one representative of a community-based sexual violence advocacy
16 organization, appointed by the Vermont Network Against Domestic and
17 Sexual Violence;

18 (6) three Title IX Coordinators, one employed and appointed by the
19 University of Vermont, one employed and appointed by the Vermont State
20 Colleges, and one employed by a Vermont independent postsecondary

1 institution, appointed by the President of the Association of Vermont

2 Independent Colleges;

3 (7) one campus health and wellness or sexual violence prevention

4 educator working in a Vermont postsecondary education institution,

5 appointed by the Higher Education Subcommittee of the Prekindergarten–16

6 Council;

7 (8) one victim advocate working in a Vermont postsecondary

8 education institution, appointed by the Higher Education Subcommittee of

9 the PreK-16 Council;

10 (9) two students who are members of campus groups representing

11 traditionally marginalized communities, appointed by the Higher Education

12 Subcommittee of the Prekindergarten–16 Council;

13 (10) one community-based restorative justice practitioner, appointed

14 by the Community Justice Network of Vermont; and

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

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

17 (1) The pathways for survivors of sexual harm in postsecondary

18 education institutional settings to seek healing and justice and

19 recommendations to increase or enhance those pathways.

20 (2) Issues with Vermont’s campus adjudication processes as identified

21 by survivors of sexual harm, dating and intimate partner violence, or stalking

1 in postsecondary education institutional settings, including the interface
2 between campus adjudication processes and law enforcement.

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

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

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

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

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

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

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

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

5 (d) Assistance. For purposes of scheduling meetings and preparing
6 recommended legislation, the Task Force shall have the assistance of the
7 Office of Legislative Council.

8 (e) Report. On or before January 15, 2020, the Task Force shall submit a
9 written report to the House and Senate Committees on Education and
10 Judiciary with its findings and any recommendations for legislative action.

11 (f) Meetings.

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

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

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

18 (4) The Task Force shall cease to exist on January 16, 2020.

19 (g) Compensation and reimbursement.

20 (1) For attendance at meetings during adjournment of the General
21 Assembly, a legislative member of the Task Force serving in his or her

1 capacity as a legislator shall be entitled to per diem compensation and
2 reimbursement of expenses pursuant to 2 V.S.A. § 406 for not more than
3 seven meetings. These payments shall be made from monies appropriated to
4 the General Assembly.

5 (2) Other members of the Task Force who are not otherwise
6 compensated for their service on the Task Force shall be entitled to per diem
7 compensation and reimbursement of expenses as permitted under 32 V.S.A.
8 § 1010 for not more than seven meetings. These payments shall be made
9 from monies appropriated to the Agency of Education.

10 (h) Appropriation. The sum of \$10,248.00 is appropriated to the Agency of
11 Education from the General Fund in fiscal year 2020 for per diem
12 compensation and reimbursement of expenses for nonlegislative members of
13 the Task Force. The sum of \$3,066.00 is appropriated to the General
14 Assembly from the General Fund in fiscal year 2020 for per diem
15 compensation and reimbursement of expenses for legislative members of the
16 Task Force.

17 * * * Effective Date * * *

18 Sec. 3. EFFECTIVE DATE

19 This act shall take effect on passage.