

1 TO THE HONORABLE SENATE:

2 The Committee on Education to which was referred Senate Bill No. 224  
3 entitled “An act relating to evidence-based structured literacy instruction for  
4 students in kindergarten–grade 3 and students with dyslexia and to teacher  
5 preparation programs” respectfully reports that it has considered the same and  
6 recommends that the bill be amended by striking out all after the enacting  
7 clause and inserting in lieu thereof the following:

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 year, under which each covered college agrees to:

15 (A) upon the request of AVIC, properly administer the student  
16 academic records of a covered college that fails to comply with the  
17 requirements of this 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  
20 entity selected by AVIC maintaining the records of a covered college that fails  
21 to comply with the requirements of this subsection.

1           (2)(A) If an institution of higher education is placed on probation by its  
2           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 State Board 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 State Board 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 a repository for the  
9           institution’s records, with funds set aside, if necessary, for the permanent  
10           maintenance of the academic records.

11                   (C) If the State Board does not approve the plan, the State may take  
12           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 inform the State Board;

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

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

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

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

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

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

1       lien shall take effect from the date of filing notice thereof in the records of the  
2       town or towns where property of the defaulting institution is located.

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

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

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

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

18       Sec. 2. TRANSITION

19           On or before August 1, 2020, the Association of Vermont Independent  
20      Colleges (AVIC) shall amend its memorandum of understanding with its  
21      member colleges under 16 V.S.A. § 175 to require that each member college

1 that terminates its membership with AVIC continue to comply with the terms  
2 of the memorandum for a period of one year after the date of termination.

3 \* \* \* Oath; Repeal \* \* \*

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

5 § 12. OATH

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

16 \* \* \* Small School Support \* \* \*

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

18 § 4015. SMALL SCHOOL SUPPORT

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

20 \* \* \*

1           (2) “Enrollment” means the number of students who are enrolled in a  
2           school operated by the district on October 1. A student shall be counted as one  
3           whether the student is enrolled as a full-time or part-time student. Students  
4           enrolled in prekindergarten programs shall not be counted.

5   \* \* \*

6   \* \* \* School Wellness Policy \* \* \*

7           Sec. 5. SCHOOL WELLNESS POLICY

8           On or before August 31, 2020, the Agency of Education, in collaboration  
9           with the Advisory Council on Wellness and Comprehensive Health created  
10           under 16 V.S.A. § 136, shall develop and distribute to school districts a model  
11           school wellness policy, as required under the federal Child Nutrition and WIC  
12           Reauthorization Act of 2004 and the federal Healthy, Hunger-Free Kids Act  
13           of 2010, which is designed to achieve a score of at least 85 percent on the  
14           Wellness School Assessment Tool sponsored by the University of Connecticut  
15           Rudd Center for Food Policy & Research.

16           \* \* \* Electoral Functions; Unified Union School District \* \* \*

17           Sec. 6. ELECTIONS; UNIFIED UNION SCHOOL DISTRICT

18           (a) Notwithstanding any provision of law to the contrary, the election of a  
19           director to the board of a unified union school district who is to serve on the  
20           board after the expiration of the term for an initial director shall be held at the

1 unified union school district's annual meeting unless otherwise provided in the  
2 district's articles of agreement.

3 (b) Notwithstanding any provision of law to the contrary, if a vacancy occurs  
4 on the board of a unified union school district, and the vacancy is in a seat that  
5 is allocated to a specific town, the clerk of the unified union school district  
6 shall immediately notify the selectboard of the town. Within 30 days after the  
7 receipt of that notice, the unified union school district board, in consultation  
8 with the selectboard, shall appoint a person who is otherwise eligible to serve  
9 as a member of the unified union school district board to fill the vacancy until  
10 an election is held at an annual or special meeting, unless otherwise provided  
11 in accordance with the unified union school district's articles of agreement.

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

13 **Sec. 7. ELECTORAL FUNCTIONS; UNION SCHOOL DISTRICT;**

14 **MEMBER DISTRICT THAT IS ALSO A UNION SCHOOL**  
15 **DISTRICT**

16 (a) If a union elementary or union high school district has a member district  
17 that is also a union school district, then the legislative body or appropriate  
18 officer of each city, town, or incorporated village within the member union  
19 school district shall perform electoral functions on behalf of the union  
20 elementary or union high school district, including accepting nominations,  
21 warning meetings, and conducting elections and the voting process on other

1 matters, when those functions are ordinarily performed by and in member town  
2 districts on behalf of a union school district.

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

4 \* \* \* Proficiency-based Education; Data Collection \* \* \*

5 Sec. 8. [to come]

6 \* \* \* Effective Date \* \* \*

7 Sec. 9. EFFECTIVE DATE

8 This act shall take effect on passage.

9 and that after passage the title of the bill be amended to read: “An act  
10 relating to making miscellaneous changes to education laws”

11

12

13 (Committee vote: \_\_\_\_\_)

14

\_\_\_\_\_

15

Senator \_\_\_\_\_

16

FOR THE COMMITTEE