

1 TO THE HONORABLE SENATE:

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

9 * * * Postsecondary Educational Institutions; Closing * * *

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

11 § 175. POSTSECONDARY EDUCATIONAL INSTITUTIONS; CLOSING

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

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

19 (B) contribute on an equitable basis and in a manner determined in
20 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 Secretary 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 Secretary 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 Secretary 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~~ Secretary;

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

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

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

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

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

17 (e) When an institution of higher education is unable or unwilling to
18 comply with the requirements of subsection (a) of this section, the ~~State Board~~
19 Secretary may expend State funds necessary to ensure the proper storage and
20 availability of the institution's records. The Attorney General shall then seek
21 recovery under this subsection, in the name of the State, of all of the State's

1 incurred costs and expenses, including attorney's fees, arising from the failure
2 to comply. Claims under this subsection shall be a lien on all the property of a
3 defaulting institution, until all claims under this subsection are satisfied. The
4 lien shall take effect from the date of filing notice thereof in the records of the
5 town or towns where property of the defaulting institution is located.

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

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

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

17 ~~(2) contribute on an equitable basis and in a manner determined in the~~
18 ~~sole discretion of AVIC to the costs of another AVIC member or other entity~~

1 ~~selected by AVIC maintaining the records of a member college that fails to~~
2 ~~comply with the requirements of subsection (a) of this section.~~

3 Sec. 2. TRANSITION

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

9 * * * Oath; Repeal * * *

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

11 § 12. OATH

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

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* * * Small School Support * * *

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

§ 4015. SMALL SCHOOL SUPPORT

(a) ~~It~~ 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

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

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

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

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

11 (b) The State goal is to have the UVM Board achieve gender balance by
12 2025 and maintain it thereafter and the VSC Board maintain gender balance.
13 Gender balance means, for the UVM Board, that the 25 member Board is
14 composed of 12 or 13 members who identify as women and for the VSC
15 Board, that the 15 member Board is composed of seven or eight members who
16 identify as women. The UVM self-perpetuating Board members have an
17 obligation to address the Board's gender imbalance in their appointment of
18 trustees.

19 (c) Given that the UVM and VSC Boards have four categories of trustees,
20 which include those appointed by the Governor, those appointed by the
21 General Assembly, and those appointed by the self-perpetuating trustees, as

1 well as student trustees, it is also incumbent on the Legislative and Executive
2 Branches to undertake efforts to further the State goal in achieving and
3 maintaining gender balance on these Boards.

4 (d) On or before January 31, 2021 and annually thereafter, as part of their
5 annual budget presentations to the General Assembly, UVM and VSC shall
6 provide, at a minimum, the most recent five years of information on the gender
7 composition of their respective Boards of Trustees. This information shall
8 include the appointing entity, initial appointment date, and length of service
9 and shall summarize recruitment and replacement strategies employed for
10 recently expired and imminently expiring Trustee positions.

11 * * * Effective Date * * *

12 Sec. 7. EFFECTIVE DATE

13 This act shall take effect on passage.

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

16
17
18 Committee vote: _____)

19 _____

20 Senator _____

21 FOR THE COMMITTEE