

1 Introduced by Committee on Education
2 Referred to Committee on
3 Date:
4 Subject: Education; miscellaneous
5 Statement of purpose of bill as introduced: This bill proposes to make
6 miscellaneous changes to education law, including [to come]

7 An act relating to making miscellaneous changes to education laws

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

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

1 ~~(2)~~(B) prepare the academic record of each current and former student in
2 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
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 shall bring an action in Superior
15 Court to compel compliance with this section, and may in a proper case obtain
16 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 may expend State funds necessary to ensure the proper storage and availability
20 of the institution's records. The Attorney General shall then seek recovery
21 under this subsection, in the name of the State, of all of the State's incurred

1 costs and expenses, including attorney’s fees, arising from the failure to
2 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.]~~

1 **Sec. 6. ELECTIONS; UNIFIED UNION SCHOOL DISTRICT**

2 (a) Notwithstanding any provision of law to the contrary, the election of a
3 director to the board of a unified union school district who is to serve on the
4 board after the expiration of the term for an initial director shall be held at the
5 unified union school district's annual meeting unless otherwise provided in the
6 district's articles of agreement.

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

16 (c) This section is repealed on July 1, 2021.

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

18 **MEMBER DISTRICT THAT IS ALSO A UNION SCHOOL**

19 **DISTRICT**

20 (a) If a union elementary or union high school district has a member district
21 that is also a union school district, then the legislative body or appropriate

1 officer of each city, town, or incorporated village within the member union
2 school district shall perform electoral functions on behalf of the union
3 elementary or union high school district, including accepting nominations,
4 warning meetings, and conducting elections and the voting process on other
5 matters, when those functions are ordinarily performed by and in member town
6 districts on behalf of a union school district.

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

8 * * * Proficiency-based Education; Data Collection * * *

9 Sec. 8. [to come]

10 * * * Effective Date * * *

11 Sec. 9. EFFECTIVE DATE

12 This act shall take effect on passage.