

AGENCY OF EDUCATION
Barre, Vermont

TEAM: Legal/Finance--Postsecondary Compliance

ACTION ITEM: Will the State Board of Education vote to authorize the Agency of Education to take temporary possession of Burlington College's Academic Records until a permanent repository is appointed?

RECOMMENDED ACTION: that the State Board of Education authorize the Agency of Education to take temporary possession of the academic records of Burlington College, both paper and electronic.

STATUTORY AUTHORITY: 16 V.S.A. §175(d)

BACKGROUND INFORMATION:

1. The Agency of Education notified Burlington College of its statutory obligations for academic records immediately upon receiving information regarding the college's impending closure. In response, Burlington College informed the Agency of Education of its closure by letter of May 24, 2016. Burlington College sent a second letter in response to the original notification of obligations upon closure which included more detail dated May 25, 2016. (Both letters are attached.)
2. Burlington College has asked for assistance with preparing student academic records for transfer to a permanent repository as there are no paid staff of Burlington College available to assist with this process. The college is currently using an outside entity in the interim to fulfill transcript requests, which has met with mixed results due to the current status of the records.
3. Agency staff visited Burlington College and discovered student academic records are not preserved in such a way for a permanent repository to take possession. The academic records are in paper and electronic format. The paper records are in multiple locations within the college building and approximately 17 filing cabinets have been located containing academic records.
4. Agency staff has been in communication with all relevant parties regarding next steps, including Peoples Bank, Burlington College President and Board Chair, as well as a former employee who was knowledgeable about the probable location and status of records for the students of the 2015-2016 school year.
5. As some of the records are in electronic format, Burlington College Board Chair recommends safeguard of the school's server in addition to the paper records.

6. Records of alumni are currently stored in file cabinets in a vault located on the third floor of the building.

7. As access to the building has to be coordinated through Peoples Bank personnel and the College's Board Chair, the best course of action given the current status of the academic records is to remove, compile and safeguard the academic records until a permanent repository is appointed by the State Board of Education.

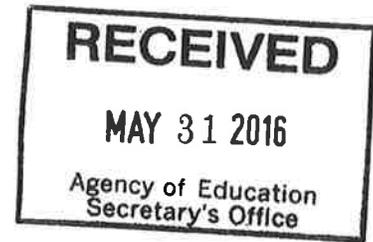
COST IMPLICATIONS: The State of Vermont has a state-wide contract for moving services, which would be needed to collect and remove the records from Burlington College and move those academic records to the AOE building in Barre. This cost is estimated to be \$1,000-\$1,500. Agency staff is available to organize and index the existing records. As some of the records are in electronic format, access to the licensed program which stores these records may require a software license fee (depending on access rights from Burlington College.) This cost, if any, is not yet known.

STAFF AVAILABLE: Cassandra Ryan, Pat Pallas Gray, Bill Talbott and Clare O'Shaughnessy



May 25, 2016

Ms. Cassandra Ryan
Fiscal and Regulatory Compliance Coordinator
State of Vermont – Agency of Education
219 North Main Street, Ste. 402
Barre, VT 05641



Dear Ms. Ryan:

I am writing in response to your letter dated May 19, 2016.

First, Burlington College will not cease operations effective May 27, 2016. Upon closer examination of the Press Release and my follow-up letter, we will be closing core programs at the College, but not all programs will close; some programs will be carried through as per our accreditation until December 31, 2016.

As per 16 V.S.A., Section 175 let me respond to the points you outlined:

1. The Vermont State Board of Education has been informed.
2. Academic records for each current student have been prepared; students are in the process of being placed at several colleges, mostly in Vermont, with which we have a signed agreement.

As per the items a – f, which must be properly recorded in each current and former student's record, those will be completed. We ask that the records be held by the Vermont State Board of Education and in doing so, we request a contact person through which current and former students may seek copies of their records out into the future.

3. As soon as all students currently enrolled, and those deposited for fall 2016 have been placed in another college, and former student records are in proper form, we will deliver those student records to the person designed by the State Board of Education as a permanent repository. Please indicate the designated person so that we may deliver those records to them.

May 25, 2016
Ms. Cassandra Ryan
Page Two of Two

As for the additional two points in your letter, to be submitted to you by May 25th, those obligations have been fulfilled; please refer to my letter sent both electronically and through U.S. Mail yesterday. The last is likely once our students have been taken care of; faculty and staff will be in touch with you to talk about any further details of the process.

Sincerely,



Carol A. Moore, Ph.D.
President

cc: William Sorrell, VT Attorney General
Stephan Morse, Chair, VT State Board of Education
Rebecca Holcombe, Secretary VT Agency of Education
Greg Glennon, General Counsel, VT Agency of Education
Yves Bradley, Chair, Burlington College Board of Trustees



BURLINGTON COLLEGE

Start a fire.

351 North Avenue
Burlington, Vermont 05401
800.862.9616
burlington.edu

May 24, 2016

State of Vermont
Agency of Education
219 North Main Street
Suite 402
Barre, VT 05641

ATTN: Cassandra Ryan
Fiscal and Regulatory Compliance Counselor

Dear Ms. Ryan:

I am in receipt of your May 19, 2016 letter regarding the announcement of the closure of Burlington College's core programs effective May 27, 2016. We are well aware of our state and federal obligations and those to students and employees and the disposition of college records. We are in the process of preparing records for each and every student in order to deliver these records to the State Board of Education. Please provide us the name of the individual designated to receive these records.

We are also in the process of arranging for the records to be kept at an alternative college, but no final commitment has been made by another college to date. The colleges we are in discussion with are the following: *Green Mountain College, Champlain College, and Johnson State College*. Once students and employees have been taken care of, we are happy to provide any final report to the Agency of Education. A skeletal crew of staff will be maintaining the records and general operation of the college through the month of June, until all our obligations are met.

Sincerely,

Carol A. Moore, Ph.D.
President

Cc: William Sorrell, VT Attorney General
Stephan Morse, Chair VT State Board of Education
Rebecca Holcombe, Secretary, VT Agency of Education
Greg Glennon, General Counsel, VT Agency of Education
Yves Bradley, Chair, Burlington College Board of Trustees