

1 H.100

2 Introduced by Representatives Townsend of South Burlington, Fegard of
3 Berkshire, Killacky of South Burlington, LaLonde of South
4 Burlington, Macaig of Williston, McCullough of Williston, and
5 Pugh of South Burlington

6 Referred to Committee on

7 Date:

8 Subject: Education; school safety; environmental health

9 Statement of purpose of bill as introduced: This bill proposes to establish an
10 Environmental Health Assessment of School Facilities Pilot Project to assess
11 the environmental health and safety conditions of school facilities in the State,
12 identify potential threats to health and safety, and require timely actions to
13 address identified threats to health and safety. The bill would also establish a
14 special fund, known as the Public School Infrastructure Fund, to provide grants
15 to schools to fund school building or construction projects that remediate a
16 threat to life or property.

17 An act relating to assessing the environmental health and safety of school
18 buildings

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

2 Sec. 1. FINDINGS

3 The General Assembly finds that:

4 (1) According to the National Center for Education Statistics (NCES),
5 the average age of a school building nationwide is 42 years of age.

6 (2) The American Society of Civil Engineers estimated that up to a
7 quarter of schools nationwide are in fair to poor condition.

8 (3) The NCES survey of school conditions concluded that up to
9 30 percent of schools nationwide have a building system or feature in fair to
10 poor condition.

11 (4) Many schools in Vermont are much older than the national average
12 of 42 years, and, according to educators in Vermont, every Vermont school has
13 some system or feature in fair to poor condition.

14 (5) Most school administrators or school districts in Vermont are aware
15 of building conditions and the need to address fair or poor conditions to protect
16 the health and safety of students, school staff, and others using school
17 buildings, but most schools or school districts lack the funding necessary to
18 address building health conditions in a timely manner.

19 (6) Generating necessary funding at the local level likely would require
20 property tax increases at a time when these proposals are disfavored.

1 (7) In contrast to all other New England states, funding from the State is
2 not available or inadequate in Vermont as the State School Construction Aid
3 Program is currently under suspension and State funding for an immediate
4 health and safety threat in a school is only available if the project costs less
5 than \$100,000.00 and, even then, the State only provides up to 30 percent of
6 the project cost.

7 (8) Due to the age and conditions of school buildings in the State and
8 the general lack of necessary funding at both the local and the State level, the
9 health and safety of the students, school staff, and other users of Vermont
10 schools are at risk.

11 (9) To fully assess the risk of harm to children, school staff, and other
12 users of Vermont schools, the State should initiate a pilot program to assess the
13 conditions of school facilities in the State, identify potential problems, and
14 require timely actions to address threats to health and safety.

15 (10) To ensure that all schools have the capacity to address issues of
16 buildings health or safety, the State should establish a school infrastructure
17 fund to fund school construction projects that present a threat to the health and
18 safety of the students, school staff, and other users of the schools of Vermont.

1 Sec. 2. AGENCY OF EDUCATION; ENVIRONMENTAL HEALTH OF
2 SCHOOL BUILDINGS PILOT PROJECT

3 (a) The Agency of Education, in consultation with the Department of
4 Health and the Agency of Natural Resources, shall establish an Environmental
5 Health Assessment of School Facilities Pilot Project in Chittenden County to
6 assess the environmental health and safety conditions of school facilities in the
7 State, identify potential threats to health and safety, and require timely actions
8 to address identified threats to health and safety. Under the Pilot Project:

9 (1) The Agency of Education shall contract with a qualified
10 environmental consultant to conduct an assessment of school facilities in
11 Chittenden County.

12 (2) The environmental consultant contracted to assess school facilities
13 shall use the Department of Health's Envision Tool for Schools to provide the
14 standard or criteria for assessment of the health and safety of a facility.

15 (3) The contracted environmental consultant shall issue an assessment
16 report for each school in Chittenden County and shall identify in each report
17 systems, features, or other conditions of the school that pose a threat to the
18 health and safety of students, school staff, and other users of the schools of
19 Vermont.

20 (4) The contracted environmental consultant shall submit the assessment
21 report for each school to the Secretary of Education, the superintendent of the

1 school district or supervisory union where the school is located, and the
2 principal of the school.

3 (5) Upon receipt of an assessment report, a school district or supervisory
4 union shall develop a remediation plan to eliminate or address any system,
5 feature, or other condition identified in the report that poses a threat to the
6 health and safety of students, school staff, and other users of the school. The
7 plan shall be designed to eliminate or address all identified systems, features,
8 or conditions within five years of the date of receipt by a school district or
9 supervisory union of the school assessment.

10 (b) The environmental health and safety assessment of school facilities in
11 Chittenden County shall be completed on or before December 1, 2019.

12 (c) On or before January 15, 2020, the Secretary of Education shall submit
13 to the House Committees on Education and on Human Services and the Senate
14 Committees on Education and on Health and Welfare a report summarizing the
15 results of the Environmental Health Assessment of School Facilities Pilot
16 Project. The report shall include or make available to the public the
17 assessment report for each school assessed under the Pilot Project.

1 Sec. 3. 16 V.S.A. § 3746 is added to read:

2 § 3746. PUBLIC SCHOOL INFRASTRUCTURE SPECIAL FUND

3 (a) There is created a special fund known as the Public School
4 Infrastructure Fund to be administered by the Secretary of Education. The
5 Fund shall consist of:

6 (1) funds that may be appropriated by the General Assembly; and

7 (2) other gifts, donations, or funds received from any source, public or
8 private, dedicated for deposit into the Fund.

9 (b) The Secretary shall use monies deposited in the Fund to issue grants to
10 public schools for one or both of the following:

11 (1) A school building or infrastructure construction project to remediate
12 a clear and imminent danger to the life or safety of students, school staff, and
13 other users of the schools.

14 (2) A school building or infrastructure construction project in which a
15 structural deficiency in the function or operation of a school building or
16 portion thereof presents a substantial risk to the life or safety of the students,
17 school staff, and other users of the schools and is more than a technical
18 violation of the fire code.

19 (c) The Secretary may adopt by rule additional criteria or priorities for
20 expenditures from the Fund.

1 (d) Notwithstanding the requirements of 32 V.S.A. § 588(4), the balance of
2 the Fund at the end of the fiscal year shall be carried forward in the Fund and
3 shall not revert to the General Fund.

4 Sec. 4. EFFECTIVE DATE

5 This act shall take effect on passage.