

1 H.426

2 Introduced by Committee on Education

3 Date:

4 Subject: Education; school construction; funding

5 Statement of purpose of bill as introduced: This bill proposes to: (1) require  
6 the Secretary of Education to update school facilities construction standards,  
7 (2) require the State Board of Education to update and adopt the Capital  
8 Outlay Formula in State Board Rule 6124.1, (3) direct the Secretary of  
9 Education to hire an independent third party to conduct a school facilities  
10 conditions assessment, (4) direct the Secretary of Education to submit a report  
11 on funding school construction projects, (5) require school districts or  
12 supervisory unions to designate a person responsible for facilities  
13 management, and (6) require school districts to develop and maintain a capital  
14 improvement plan.

15 An act relating to addressing the needs and conditions of public school  
16 facilities in the State

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

18 Sec. 1. FINDINGS; INTENT

19 (a) The General Assembly finds that:

1           (1) In 2007 Acts and Resolves No. 52, Sec. 36, the General Assembly  
2           suspended State aid for school construction in order to permit the Secretary of  
3           Education and the Commissioner of Finance and Management to recommend a  
4           sustainable plan for State aid for school construction.

5           (2) In 2008 Acts and Resolves No. 200, Sec. 45, as amended by 2009  
6           Acts and Resolves No. 54, Sec. 22, the General Assembly, in the absence of a  
7           recommendation, extended the suspension until a sustainable plan for State aid  
8           for school construction is developed and adopted.

9           (3) Between Fiscal Years 2008 and 2016, the State honored its  
10          obligation to repay the remaining outstanding obligations for projects for  
11          which State aid had been committed prior to the suspension.

12          (b) The General Assembly also finds that:

13           (1) The State of Vermont is the only state in the Northeast that does not  
14           have a school construction program.

15           (2) Between 2008 and 2019, school districts in Vermont issued  
16           approximately \$211,000,000.00 in bonds for school construction projects. In  
17           2020, there was an estimated \$445,000,000.00 in bonding planned and  
18           proposed by school districts for future school construction projects statewide.

19           (c) The General Assembly also finds that the backlog in the State's school  
20           construction projects has resulted in unsafe and unhealthy learning

1 environments and disparities in the quality of education, including between  
2 wealthier communities and communities in need across the State.

3 (d) It is the intent of the General Assembly to develop a plan to address the  
4 needs and conditions of the State's school buildings in order to create better  
5 learning environments for Vermont's students and increase the equity in the  
6 quality of education around the State.

7 Sec. 2. SCHOOL CONSTRUCTION; FACILITIES STANDARDS;  
8 CAPITAL OUTLAY FINANCING FORMULA; AGENCY OF  
9 EDUCATION; STATE BOARD OF EDUCATION; UPDATE

10 (a) On or before January 15, 2023, the Secretary of Education, in  
11 consultation with the Executive Director of the Vermont Superintendents  
12 Association and the Chair of the State Board of Education, shall update the  
13 school construction facilities standards. The update shall reflect:

14 (1) changes in educational delivery models; and

15 (2) requirements for healthy and resource efficient school facilities,  
16 including natural light, indoor air quality, and water and energy efficiency.

17 (b) On or before January 15, 2023, the State Board of Education shall  
18 update and adopt the Capital Outlay Financing Formula.

19 (1) Pursuant to State Board Rule 6124.1, the Formula shall establish the  
20 maximum and minimum square footage parameters by school size and the

1 grade range through a square footage allowance per student or program. The  
2 Formula shall also establish an allowable cost per square foot of construction.

3 (2) The State Board may also consider additional factors in the update,  
4 including facility condition, capacity and utilization, and energy performance  
5 in designing a system of financial support.

6 (c) The State Board is authorized to use not more than \$100,000.00 of the  
7 amount appropriated in Sec. 3(d) of this act to hire a consultant to provide  
8 technical assistance for the project described in subsection (b) of this section.

9 Sec. 3. SCHOOL FACILITIES CONDITIONS ASSESSMENT; AGENCY  
10 OF EDUCATION; DEPARTMENT OF BUILDINGS AND  
11 GENERAL SERVICES

12 (a) On or before September 1, 2021, the Secretary of Education, in  
13 coordination with the Commissioner of Buildings and General Services, shall  
14 issue a request for proposal for a school facilities conditions assessment to  
15 inform the Agency of Education of the statewide school facilities needs and  
16 costs. The assessment shall include:

17 (1) A planning phase that utilizes the expertise of the consultant and  
18 other stakeholders to finalize the evaluation criteria and methodology for  
19 collection of data.

1           (2) A review of school facility conditions, space utilization, and  
2           suitability of the facility and its spaces to deliver educational and support  
3           services.

4           (3) Sufficient information to assist the General Assembly to establish a  
5           ranking system based on categories to prioritize schools with the highest needs  
6           for future school construction funding. The categories shall include:

7                   (A) capacity and utilization;

8                   (B) safety and security infrastructure;

9                   (C) accessibility;

10                  (D) technology infrastructure;

11                  (E) capacity to deliver STEAM (science, technology, engineering,  
12                  arts, and math) programming; and

13                  (F) building systems' condition and performance, including energy  
14                  efficiency improvements and indoor air quality to address the health and safety  
15                  of students and employees.

16           (b) The Secretary of Education shall contract with an independent third  
17           party to conduct the assessment described in subsection (a) of this section.

18           The assessment shall be completed on or before October 1, 2022.

19           (c) The Agency of Education shall create a database to enter the  
20           information from the assessment described in subsection (a) of this section.

1 This information shall include a school's physical address and GIS  
2 coordinates.

3 ~~(d) The Secretary is authorized to use not more than \$2,500,000.00 of the~~  
4 ~~amount allocated to the Agency of Education from the Elementary and~~  
5 ~~Secondary School Emergency Relief Fund pursuant to Sec. 313 from the~~  
6 ~~Consolidated Appropriations Act, 2021, Pub. L. No. 116-260.~~

*(d) The total cost for the assessment described in this section shall not exceed \$2,500,000.00, of which the Secretary is authorized to expend as follows:*

*(1) Of the initial expenditures, not more than the \$627,500.00 shall be used from the amount allocated to the Agency of Education from the Coronavirus Aid, Relief, and Economic Security Act pursuant to Secs. 18003(e), 2020, Pub. L. No. 116-136.*

*(2) Of the remaining expenditures, not more than \$1,872,500.00 shall be used from the amount allocated to the Agency of Education Elementary and Secondary School Emergency Relief Fund pursuant to Section 313(e) of the Consolidated Appropriations Act, 2021, Pub. L. No. 116-260.*

7 (e) On or before January 15, 2022, the Secretary of Education shall submit  
8 a report to the House and Senate Committees on Education with an update on  
9 the status of the request for proposal described in subsection (a) of this section.

1        (f) As used in this section, “school” means a public school, as defined in  
2        16 V.S.A. § 11.

3        Sec. 4. SCHOOL CONSTRUCTION FUNDING; AGENCY OF  
4        EDUCATION; REPORT

5        (a) On or before January 15, 2023, the Secretary of Education shall submit  
6        a report to the General Assembly that shall include the following:

7                (1) an analysis of the challenges and opportunities to the State of  
8                funding school construction projects;

9                (2) recommendations for a funding source for school construction  
10              projects that are linked to the inventory, needs, and conditions of all Vermont  
11              schools; and

12              (3) an analysis of how other states are funding school construction  
13              projects.

14        (b) As used in this section, “school” means a public school, as defined in  
15        16 V.S.A. § 11.

16        Sec. 5. 16 V.S.A. § 837 is added to read:

17        § 837. SCHOOL FACILITIES MANAGEMENT; TRAINING AND  
18        CERTIFICATION

19        (a) The Secretary of Education, in consultation with facilities management  
20        industry and school operations experts, shall establish guidelines for the

1 training and certification of each person designated as responsible for facilities  
2 management for a school district or supervisory union.

3 (b) The superintendent for each school district or supervisory union shall  
4 designate a person with responsibility for facilities management for the school  
5 district or supervisory union. The designee for each school district or  
6 supervisory union shall receive training and certification pursuant to the  
7 guidelines established in subsection (a) of this section.

8 Sec. 6. 16 V.S.A. § 838 is added to read:

9 § 838. CAPITAL IMPROVEMENT PLAN

10 (a) Each school district shall develop and maintain a five-year capital  
11 operations and improvement plan for the school district and supervisory union,  
12 which shall be updated annually.

13 (b) The capital operations and improvement plan described in subsection  
14 (a) of this section shall be in a form developed and prescribed by the Secretary  
15 of Education after consultation with facilities management and school  
16 operations experts.

17 Sec. 7. AGENCY OF EDUCATION; CREATION OF POSITIONS

(a) ~~Two full-time exempt positions are~~ *One limited-service position funded*  
*through January 15, 2023 is* created in the Agency of Education to implement  
this act by using ~~existing positions~~ *an existing position* in the position pool.

1 ~~(b) In fiscal year 2022, the amount of \$160,000.00 in general funds is~~  
2 ~~appropriated to the Agency of Education for the positions described in~~  
3 ~~subsection (a) of this section.~~

*(b) In fiscal year 2022, the Agency of Education is authorized to use not more than \$127,500.00 from the amount allocated to the Agency of Education Elementary and Secondary School Emergency Relief Fund pursuant to Section 313(e) of the Consolidated Appropriations Act, 2021, Pub. L. No. 116-260 for the position described in subsection (a) of this section.*

4 Sec. 8. EFFECTIVE DATES

5 This act shall take effect on passage, except that Sec. 6, 16 V.S.A. § 838,  
6 shall take effect on July 1, 2023.