

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 Outlay  
8 Formula in State Board Rule 6124.1, (3) direct the Secretary of Education to  
9 hire an independent third party to conduct a school facilities conditions  
10 assessment, (4) direct the Secretary of Education to submit a report on funding  
11 school construction projects, (5) require school districts or supervisory unions  
12 to designate a person responsible for facilities management, and (6) require  
13 school districts to develop and maintain a capital improvement plan.

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

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

17 Sec. 1. FINDINGS; INTENT

18 (a) The General Assembly finds that:

19 (1) In 2007 Acts and Resolves No. 52, Sec. 36, the General Assembly  
20 suspended State aid for school construction in order to permit the Secretary of

1 Education and the Commissioner of Finance and Management to recommend a  
2 sustainable plan for State aid for school construction.

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

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

10 (b) The General Assembly also finds that:

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

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

17 (c) The General Assembly also finds that the backlog in the State's school  
18 construction projects has resulted in unsafe and unhealthy learning  
19 environments and disparities in the quality of education, including between  
20 wealthier communities and communities in need across the State.

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

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

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

12               (1) changes in educational delivery models; and

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

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

17               (1) Pursuant to State Board Rule 6124.1, the Formula shall establish the  
18       maximum and minimum square footage parameters by school size and the  
19       grade range through a square footage allowance per student or program. The  
20       Formula shall also establish an allowable cost per square foot of construction.

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

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

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

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

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

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

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

4                   (A) capacity and utilization;

5                   (B) safety and security infrastructure;

6                   (C) accessibility;

7                   (D) technology infrastructure;

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

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

13                  (b) The Secretary of Education shall contract with an independent third  
14                  party to conduct the assessment described in subsection (a) of this section. The  
15                  assessment shall be completed on or before October 1, 2022.

16                  (c) The Agency of Education shall create a database to enter the  
17                  information from the assessment described in subsection (a) of this section.  
18                  This information shall include a school's physical address and GIS  
19                  coordinates.

20                  (d) The Secretary is authorized to use not more than \$2,500,000.00 of the  
21                  amount allocated to the Agency of Education from the Elementary and

1 Secondary School Emergency Relief Fund pursuant to Sec. 313 from the  
2 Consolidated Appropriations Act, 2021, Pub. L. No. 116-260.

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

6 (f) As used in this section, “school” means a public school, as defined in  
7 16 V.S.A. § 11.

8 Sec. 4. SCHOOL CONSTRUCTION FUNDING; AGENCY OF  
9 EDUCATION; REPORT

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

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

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

17 (3) an analysis of how other states are funding school construction  
18 projects.

19 (b) As used in this section, “school” means a public school, as defined in  
20 16 V.S.A. § 11.

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

2 § 837. SCHOOL FACILITIES MANAGEMENT; TRAINING AND  
3 CERTIFICATION

4 (a) The Secretary of Education, in consultation with facilities management  
5 industry and school operations experts, shall establish guidelines for the  
6 training and certification of each person designated as responsible for facilities  
7 management for a school district or supervisory union.

8 (b) The superintendent for each school district or supervisory union shall  
9 designate a person with responsibility for facilities management for the school  
10 district or supervisory union. The designee for each school district or  
11 supervisory union shall receive training and certification pursuant to the  
12 guidelines established in subsection (a) of this section.

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

14 § 838. CAPITAL IMPROVEMENT PLAN

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

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

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

2           (a) Two full-time exempt positions are created in the Agency of Education  
3       to implement this act by using existing positions in the position pool.

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

7       Sec. 8. EFFECTIVE DATES

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