

CONFIDENTIAL
LEGISLATIVE BILL REVIEW FORM: 2016

Bill Number: H.280 _____ Name of Bill: An act relating to amending the State Board of Education rules on school lighting requirements.

Agency/ Dept: Education Author of Bill Review: Bill Talbott

Date of Bill Review: May 10, 2016 Related Bills and Key Players _____

Status of Bill: (check one): ☐ Upon Introduction ☐ As passed by 1st body ☒ As passed by both

Recommended Position:

☐ Support ☒ Oppose ☐ Remain Neutral ☐ Support with modifications identified in #8 below

Analysis of Bill

1. Summary of bill and issue it addresses. Describe what the bill is intended to accomplish and why.

Amends State Board Rule 6140 Eliminating a requirement that classroom lighting have the capability to provide 50 foot candles of light at the desk surface. This rule series is not in effect due to the suspension of the state school construction aid program

2. Is there a need for this bill? There is not a need for this bill.

1) This bill would remove the requirement for a school applying for construction aid (should the 2007 suspension ever be lifted) to install lighting that has the capacity to produce light at the desk surface level of 50 foot candles. The capacity to do this is important to meet the needs of some students and staff with special lighting needs. Schools have replaced older style fluorescent lighting over the past several years with newer fixtures that are energy saving. In doing so, they have included dimmers or switchable lighting banks that make it possible to lower lighting levels when higher levels are not needed. If schools were now forced to install lighting that produced less light it would be at a cost and they would no longer have the capacity to meet the needs of students and staff that require a lighting accommodation

2) The State Board rule this bill amends is not in effect due to the indefinite suspension of the school construction aid program. There is no need to amend a rule that is not in effect. The suspension began in 2007. Recent legislative discussions about construction aid center on creating a new program, not lifting the suspension. A new program, should one be created, would require the rules to be rewritten.

3. What are likely to be the fiscal and programmatic implications of this bill for this Department? None, unless a new construction aid program is instituted, in which case we would have to support rule revision.

4. What might be the fiscal and programmatic implications of this bill for other departments in state government, and what is likely to be their perspective on it? None

Please return this bill review as a Microsoft Word document to Jahala.Dudley@vermont.gov & Jessica.Mishaan@vermont.gov

5. **What might be the fiscal and programmatic implications of this bill for others, and what is likely to be their perspective on it?** Currently none since this and other related rules are not in effect due to the suspension of the state school construction aid program by the Legislature. School districts with classrooms following the new rules that cannot provide sufficient lighting for students with special needs would have to make appropriate accommodations at an additional cost, should school construction aid be reinstated and the Rules again take effect. Cost unknown.
6. **Other Stakeholders:** *None*
- 6.1 **Who else is likely to support the proposal and why?** Lighting engineers and installers who might gain business opportunities from any required work.
- 6.2 **Who else is likely to oppose the proposal and why?** School districts that would incur additional costs.
7. **Rationale for recommendation:** This rule only applies to school districts applying for school construction aid. (See SBE Rule 6111(b)). However, School Construction aid has been suspended indefinitely beginning in 2007. See Act No. 52 of 2006, Sec. 36 and amended by Act Nos. 51 of 2013 § 45; 54 of 2009 § 22; 200 of 2008 § 45. With aid being suspended rules are not applicable. The rule as amended by the H.280 would only apply to new construction projects commencing after the date the suspension is lifted should that ever occur. Should a school construction aid program be reinstated or a new program created new rules would need to be promulgated so this change is not needed.
8. **Specific modifications that would be needed to recommend support of this bill:** This Bill is not necessary.
9. **Will this bill create a new board or commission AND/OR add or remove appointees to an existing one? If so, which one and how many?** No.

Secretary/Commissioner has reviewed this document:  Date: 5/12/16