

1 H.486

2 Introduced by Committee on Education

3 Date:

4 Subject: Education; appropriations; school construction; environmental testing

5 Statement of purpose of bill as introduced: This bill proposes to establish the  
6 School Construction Aid Task Force to examine, evaluate, and report on issues  
7 relating to school construction aid. This bill also proposes, on or before  
8 January 15, 2024, to require the Task Force to submit a written report with its  
9 findings and recommendations for legislative action to the House Committees  
10 on Corrections and Institutions, on Education, and on Ways and Means and the  
11 Senate Committees on Education, on Finance, and on Institutions. The bill  
12 also would pause testing of the indoor air quality of schools for  
13 polychlorinated biphenyls until the report of the School Construction Aid Task  
14 Force is submitted to the General Assembly and the General Assembly  
15 approves further testing.

16 An act relating to school construction

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

18 Sec. 1. SCHOOL CONSTRUCTION AID TASK FORCE; REPORT

1        (a) Creation. There is created the School Construction Aid Task Force to  
2        examine, evaluate, and report on issues relating to school construction aid.

3        (b) Membership. The Task Force shall be composed of the following  
4        members:

5        ~~(1) one current member of the House of Representatives, who shall be~~  
6        ~~appointed by the Speaker of the House;~~

7        ~~(2) one current member of the Senate, who shall be appointed by the~~  
8        ~~Committee on Committees,~~

*(1) two current members of the House of Representatives, who shall be*  
*appointed by the Speaker of the House;*

*(2) two current members of the Senate, who shall be appointed by the*  
*Committee on Committees;*

9        (3) the State Treasurer or designee, who shall serve as co-chair;

10       (4) the Secretary of Education or designee, who shall serve as co-chair;

11       (5) the Executive Director of the Vermont National Education  
12       Association or designee;

13       (6) the Executive Director of the Vermont Principals' Association or  
14       designee;

15       (7) the Executive Director of the Vermont School Boards Association or  
16       designee;

1           (8) the Executive Director of the Vermont Superintendents Association  
2           or designee;

3           (9) the Executive Director of the Municipal Bond Bank or designee;

4           (10) the President of the Vermont School Custodians and Maintenance  
5           Association or designee;

6           (11) a person with expertise in historic preservation, appointed by the  
7           Governor;

8           (12) a person with expertise in the construction industry specializing in  
9           school facilities projects, appointed by the Governor;

10           (13) a member of the American Industrial Hygiene Association,  
11           appointed by the Governor; and

12           (14) the State toxicologist from the Department of Health.

13           (c) Powers and duties. The Task Force shall review the results of the  
14           statewide school facilities inventory and conditions assessment and the school  
15           construction funding report required by 2021 Acts and Resolves No. 72 and  
16           study the following issues relating to school construction aid:

17           (1) the needs, both programmatic and health and safety, of statewide  
18           school construction projects;

19           (2) funding options for a statewide school construction program,  
20           including any incentive plans;

1           (3) a governance structure for the oversight and management of a school  
2           construction aid program;

3           (4) the appropriate state action level for response to polychlorinated  
4           biphenyl contamination in a school;

5           (5) whether the State should continue to require the testing of indoor air  
6           quality in schools for polychlorinated biphenyls; and

7           (6) criteria for prioritizing school construction funding.

8           (d) Assistance.

9           (1) The Task Force shall have the administrative, technical, and legal  
10           assistance of the Agency of Education, the Department of Health, and the  
11           Office of the State Treasurer.

(2) The Office of the State Treasurer is authorized to contract for  
services for the Task Force for technical assistance from a school construction  
expert *and any administrative, technical, financial, or legal assistance*  
*required by the Task Force.*

12           (e) Report. On or before January 15, 2024, the Task Force shall submit a  
13           written report to the House Committees on Corrections and Institutions, on  
14           Education, and on Ways and Means and the Senate Committees on Education,  
15           on Finance, and on Institutions with its findings and any recommendations for  
16           legislative action, including a recommendation on how the State should expend  
17           the funding in the Education Fund reserved for future school construction.

1       (f) Meetings.

2           (1) The State Treasurer shall call the first meeting of the Task Force to  
3 occur on or before July 15, 2023.

4           (2) A majority of the membership shall constitute a quorum.

5           (3) The Task Force shall cease to exist on July 1, 2024.

6       (g) Compensation and reimbursement.

7           (1) For attendance at meetings during adjournment of the General  
8 Assembly, a legislative member of the Task Force serving in the member's  
9 capacity as a legislator shall be entitled to per diem compensation and  
10 reimbursement of expenses pursuant to 2 V.S.A. § 23 for not more than 10  
11 meetings. These payments shall be made from monies appropriated to the  
12 General Assembly.

13           (2) Other members of the Task Force shall be entitled to per diem  
14 compensation and reimbursement of expenses as permitted under 32 V.S.A.  
15 § 1010 for not more than 10 meetings. These payments shall be made from  
16 monies appropriated to the Office of the State Treasurer.

      (h) Appropriation. The sum of \$200,000.00 is appropriated to the Office  
of the State Treasurer from the General Fund in fiscal year 2024 to  
~~school construction expert to assist~~ to retain any administrative, technical,  
financial, legal, or construction experts required by the Task Force as  
described in subdivision (d)(2) of this section.

1       Sec. 2. TESTING PAUSE; POLYCHLORINATED BIPHENYLS IN  
2                   SCHOOLS

3           (a) PCB testing of schools.

4                   (1) Notwithstanding the requirements and authority under 2021 Acts  
5                   and Resolves No. 74, Sec. E.709.1 for the Agency of Natural Resources  
6                   (ANR) to test the indoor air quality of schools for polychlorinated biphenyls  
7                   (PCBs), ANR shall not initiate testing for PCBs at any school in the State after  
8                   the effective date of this act until the report of the School Construction Aid  
9                   Task Force required by Sec. 1 of this act has been submitted to the General  
10                   Assembly and the General Assembly approves further testing for PCBs in  
11                   schools.

12                   (2) If ANR has initiated on-site testing for PCBs in indoor air quality of  
13                   a school prior to the effective date of this act, the Agency shall complete the  
14                   testing. If testing of a school initiated prior to the effective date of this act  
15                   indicates the need for remediation or removal of PCBs in the school, the  
16                   school may seek a grant under subsection (c) of this section for the costs of  
17                   remediation or removal. If ANR has only approved a workplan or cost  
18                   estimate to conduct an inventory or testing at a school but no on-site testing  
19                   has been conducted, ANR shall not conduct on-site testing at that school under  
20                   the authority set forth in this subdivision .

1           (3) At the end of fiscal year 2023, any funds remaining from the  
2           appropriation to the Agency of Natural Resources in 2021 Acts and Resolves  
3           No. 74, Sec. E.709.1 for PCB testing of schools shall revert to the Education  
4           Fund to be held in reserve for future school construction needs as  
5           recommended by the School Construction Aid Task Force established under  
6           Sec. 1 of this act.

7           (4) Pursuant to the nonappropriations clause in the standard terms and  
8           conditions of State contracts required by Administrative Bulletin 3.5, ANR  
9           shall at the end of fiscal year 2023 cancel any contracted services for PCB  
10          testing of indoor air quality of schools scheduled to be initiated after the  
11          effective date of this act.

12          (b) Education Fund; PCB appropriations. Notwithstanding 2022 Acts and  
13          Resolves No. 178, Sec. 2(b):

14           (1) the funds reserved within the Education Fund for purposes of  
15           investigation, remediation, and removal of PCBs from schools are unreserved;  
16           and

17           (2) the unexpended or unobligated amount of the \$2,500,000.00  
18           transferred by the Emergency Board to the Agency of Education shall revert to  
19           the Education Fund for further allocation.

20          (c) Agency of Education; PCB remediation and removal reimbursement.

1           (1) Notwithstanding 16 V.S.A. § 4025(d), \$29,500,000.00 and the  
2           unexpended funds identified under subdivision (b)(2) of this section shall be  
3           appropriated from the Education Fund to the Agency of Education in fiscal  
4           year 2024 for one or more of the following purposes:

5                   (A) Grants to schools in the State that are required after ANR testing  
6                   of PCBs to conduct remediation or removal of PCB contamination in the  
7                   school. The grants shall be in an amount sufficient to pay for 100 percent of  
8                   the school's remediation or removal costs, including the costs incurred when  
9                   necessary under State or federal law to relocate students to a facility during  
10                   remediation or removal activities.

11                   (B) Grants to schools in the State that conducted remediation or  
12                   removal of PCB testing in the school after ANR testing and that only received  
13                   80 percent of the costs of remediation or removal from the Agency of Natural  
14                   Resources. The grants shall be in an amount that will reimburse the school for  
15                   any remediation or removal costs not paid by the Agency of Natural  
16                   Resources.

17                   (C) A grant of up to \$16,000,000.00 to the Burlington School  
18                   District to reimburse the school district for the costs of demolition and removal  
19                   of PCB contamination at Burlington High School.

20           (2) The Secretary of Education, after consultation with the Vermont  
21           School Boards Association, the Vermont Superintendents Association, the



1 Vermont School Custodian and Maintenance Association, and other  
2 stakeholders, shall develop criteria for the costs of remediation and removal of  
3 PCB contamination that will be eligible for a grant under subdivisions (1)(A)  
4 and (B) of this subsection.

5 Sec. 3. EFFECTIVE DATE

6 This act shall take effect on passage.