

1 Introduced by Committee on Education

2 Date:

3 Subject: Education; school construction; funding

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

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

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

16 Sec. 1. FINDINGS; INTENT

17 (a) The General Assembly finds that:

18 (1) In 2007 Acts and Resolves No. 52, Sec. 36, the General Assembly
19 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) The State honored its obligation in Fiscal Year 2016 to pay for
8 projects for which State aid had been committed prior to the suspension.

9 (b) The General Assembly also finds that:

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

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

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

20 (d) It is the intent of the General Assembly to address the needs and
21 conditions of the State’s school buildings in order to create better learning

1 environments for Vermont’s students and increase the equity in the quality of
2 education around the State.

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

6 (a) On or before January 15, 2022, the Secretary of Education, in
7 consultation with the Executive Director of the Vermont Superintendents
8 Association, the Chair of the State Board of Education, and the Commissioner
9 of Buildings and General Services, shall update the school construction
10 facilities standards. The update shall reflect:

11 (1) changes in educational delivery models; and

12 (2) requirements for healthy and resource efficient school facilities,
13 including natural light, fresh air ventilation, and water and energy efficiency.

14 (b) On or before January 15, 2022, the State Board of Education shall
15 update and adopt the Capital Outlay Financing Formula.

16 (1) Pursuant to State Board Rule 6124.1, the Formula shall establish the
17 maximum and minimum square footage parameters by school size and the
18 grade range through a square footage allowance per student or program. The
19 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 Sec. 3. SCHOOL FACILITIES CONDITIONS ANALYSIS; AGENCY OF
5 EDUCATION; DEPARTMENT OF BUILDINGS AND GENERAL
6 SERVICES

7 (a) On or before September 1, 2021, the Secretary of Education, in
8 coordination with the Commissioner of Buildings and General Services, shall
9 issue a request for proposal for a school facilities conditions analysis to inform
10 the Agency of Education of the statewide school facilities needs and costs.

11 The analysis shall include:

12 (1) A planning phase that finalizes the evaluation criteria and
13 methodology.

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

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

20 (A) capacity and utilization;

21 (B) safety and security infrastructure;

- 1 (C) technology infrastructure;
2 (D) capacity to deliver STEM programming; and
3 (E) building systems condition and performance, including energy
4 efficiency improvements.

5 (b) The Secretary of Education shall contract with an independent third
6 party to conduct the analysis described in subsection (a) of this section. The
7 analysis shall be completed on or before July 1, 2022.

8 (c) The Agency of Education shall create a database to enter the
9 information from the analysis described in subsection (a) of this section. This
10 information shall include a school’s physical address and GIS coordinates.

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

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

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

20 Sec. 4. SCHOOL CONSTRUCTION FUNDING; AGENCY OF
21 EDUCATION; REPORT

1 (a) On or before December 15, 2022, the Secretary of Education shall
2 submit a report to the General Assembly that shall include the following:

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

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

8 (3) an analysis of how other states are funding school construction
9 projects.

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

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

13 § 837. SCHOOL FACILITIES MANAGEMENT; TRAINING AND
14 CERTIFICATION

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

19 (b) The superintendent for each school district or supervisory union shall
20 designate a person with responsibility for facilities management for the school
21 district or supervisory union. The designee for each school district or

1 supervisory union shall receive training and certification pursuant to the
2 guidelines established in subsection (a) of this section.

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

4 § 838. CAPITAL IMPROVEMENT PLAN

5 Each school district shall develop and maintain a five-year capital
6 operations and improvement plan for the school district and supervisory union,
7 which shall be updated annually.

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

9 (a) Two full-time exempt positions are created in the Agency of Education
10 to implement the analysis described in Sec. 3 of this act by using existing
11 positions in the position pool.

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

15 **Sec. 8.** EFFECTIVE DATES

16 This act shall take effect on passage, except that Sec. 6 shall take effect on
17 July 1, 2023.