

AOE Testimony: Testimony on Drafting Request #21-0782 School Construction

Testimony To: House Committee on Corrections and Institutions

Respectfully Submitted by: Daniel M. French, Ed.D., Secretary of Education

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It is important that we start to make some progress on many of the issues related to our school facilities. Based on our experience responding to the COVID-19 emergency, I think the priority should be on addressing the health and safety considerations of our school buildings. Such a focus will also allow districts to leverage one-time federal COVID-19 relief dollars since this work would be directly related to the pandemic.

Specific feedback on the most recent draft of the bill:

1. Findings

- a. “The State of Vermont is the only state in the Northeast that does not have a school construction program.” Although this is true, it is also important to acknowledge Vermont is also the only state that has a true, statewide education funding system. Most states have systems comprised of foundation aid funding and categorical grant aid funding. School construction is an example of a typical categorical grant. Vermont established a very unique funding system with the idea that all Education Spending emanates from the Education Fund. Vermont does not utilize a foundation aid approach. The categorical grants we do have (e.g. special education reimbursement and transportation reimbursement) are also funded from the Education Fund. Similar to the conversation around the new special education block grant provoked by Act 173 and the Weighting Study, there needs to be some consideration of the function of the Education Fund relative to the utilization of a discrete categorical grant for school construction.
- b. “The General Assembly also finds that the backlog in the State’s school construction projects has resulted in unsafe and unhealthy learning environments and disparities in the quality of education between wealthier communities and communities in need across the State.” Many of the safety and health concerns in Vermont schools are a function of deferred maintenance issues as much as construction issues. The maintenance of safe and sanitary schools is a responsibility of school boards (see 16 V.S.A. § 563(3)(4)). As surfaced in the conversation on the Weighting Study, part of the issue here is that there needs to be an adequate regulatory framework to ensure school boards are

fulfilling this responsibility. Vermont used to have such a regulatory construct under the Public School Approval process. A good starting point to make progress in this area, which will be required whether a new school construction program is established or not, would be complete the work of Act 98 of 2012 by giving the agency control and responsibility for these regulations.

- c. “It is the intent of the General Assembly to address the needs and conditions of the State’s school buildings in order to create better learning environments for Vermont’s students and increase the equity in the quality of education around the State.” An improved regulatory framework will be necessary to ensure equity and quality. Providing such assurance is an essential responsibility of the state in education. There is solid alignment between the Vermont Constitution and current statutory language (see 16 V.S.A. § 1) on the commitment to equity and quality. What is missing is a coherent regulatory framework to ensure this commitment is enacted throughout the state.
2. State Board Capacity – This bill assigns work to the State Board of Education to update its standards for school construction, update its capital outlay financing formula, and to do so by January 15, 2022. I do not think the Board has the capacity or expertise to complete this work. To the extent the Board would rely on the agency to lead this work as was done prior to Act 98, the agency no longer has the capacity or expertise to support this work.
3. Facilities Analysis – I am increasingly doubtful that performing a statewide analysis of school facilities issues at this time would be a prudent use of our limited funding. At best, such an analysis would confirm what we already know while at the same time diverting limited resources from actually addressing the issues. I think a focus of our efforts should be on addressing the immediate health and safety issues in our schools. A good example of how we might do this is our work with Efficiency Vermont (EV) on indoor air quality during the pandemic. The agency subcontracted the management of this program to EV which worked directly with districts to develop their plans to make improvements to their facilities.
4. INSERT SOURCE OF FUNDS – A common phrase in this proposal is “INSERT SOURCE OF FUNDS” which speaks to the major issue of how to fund this work, and confirms our resources are limited. Based on a consideration of our limited resources, and a consideration of the likely receipt of additional aid related to the pandemic, I think Vermont should position itself to address the immediate health and safety needs of schools to maximize the strategic use of these one-time funds.
5. Agency Position – A good concrete step forward to address school facility needs would be to establish a new position at the agency to coordinate this work. Previously, the agency had three full-time positions dedicated to school construction. The agency currently has no positions in this area.