

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, and  
9 (4) direct the Secretary of Education to submit a report on funding school  
10 construction projects.

11 An act relating to addressing the needs and conditions of school facilities in  
12 the State

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

14 **Sec. 1. FINDINGS; INTENT**

15 **(a) The General Assembly finds that:**

16 **(1) In 2007 Acts and Resolves No. 52, Sec. 36, the General Assembly**  
17 **suspended State aid for school construction in order to permit the Secretary of**  
18 **Education and the Commissioner of Finance and Management to recommend a**  
19 **sustainable plan for State aid for school construction.**

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

5           (3) The State honored its obligation in FY 2016 to pay for projects for  
6           which State aid had been committed prior to the suspension.

7           (b) The General Assembly also finds that:

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

10           (2) Between 2008 and 2019, school districts were issued or authorized  
11           \$350,000,000.00 in bonds for school construction projects. In 2020, there was  
12           a proposed \$565,000,000.00 in bonding for school construction projects  
13           statewide.

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

18           (d) It is the intent of the General Assembly to address the needs and  
19           conditions of the State's school buildings in order to create better learning  
20           environments for Vermont's students and increase the equity in the quality of  
21           education around the State.

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

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

- (1) changes in educational delivery models; and
- (2) requirements for healthy and resource efficient school facilities, including natural light, fresh air ventilation, and water and energy efficiency.

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

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

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

1 **Sec. 3.** SCHOOL FACILITIES CONDITIONS ANALYSIS; AGENCY OF  
2 EDUCATION; DEPARTMENT OF BUILDINGS AND GENERAL  
3 SERVICES

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

8 **The analysis shall include:**

9 (1) **A planning phase that finalizes the evaluation criteria and**  
10 **methodology.**

11 (2) **A review of school facility conditions, space utilization, and**  
12 **suitability of the facility and its spaces to deliver educational and support**  
13 **services.**

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

17 (A) **capacity and utilization;**

18 (B) **safety and security infrastructure;**

19 (C) **technology infrastructure;**

20 (D) **capacity to deliver STEM programming; and**

21 (E) **building systems condition and performance.**

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

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

7       (d) The Secretary is authorized to use not more than \$2,500,000.00 from  
8       [INSERT SOURCE OF FUNDS].

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

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

14       Sec. 4. SCHOOL CONSTRUCTION FUNDING; AGENCY OF  
15       EDUCATION; REPORT

16       (a) On or before December 15, 2024, the Secretary of Education shall  
17       submit a report to the General Assembly that shall include the following:

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

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

4           (3) an analysis of how other states are funding school construction  
5 projects.

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

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

9           § 837. SCHOOL FACILITIES MANAGEMENT; TRAINING AND

10           CERTIFICATION

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

15           (b) The superintendent for each school district or supervisory union shall  
16 designate a person with responsibility for facilities management for the school  
17 district or supervisory union. The designee for each school district or  
18 supervisory union shall receive training and certification pursuant to the  
19 guidelines established in subsection (a) of this section.

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

21           § 838. CAPITAL IMPROVEMENT PLAN

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

4       **Sec. 7. AGENCY OF EDUCATION; CREATION OF POSITION**

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

8       (b) In Fiscal Year 2022, the amount of \$160,000.00 in [SOURCE OF  
9       FUNDS] is appropriated to the Agency of Education for the positions  
10       described in subsection (a) of this section.

11       **Sec. 8. PLANNING GRANTS; REPURPOSE SCHOOL BUILDINGS**

12       (a) On or before October 15, 2021, the Secretary of Education shall  
13       establish and administer a planning grant program to support school districts,  
14       supervisory unions, and municipalities with an interest in exploring the  
15       feasibility of converting school buildings to other purposes. The Secretary  
16       shall develop and publish a simplified grant application that meet the criteria  
17       described in subsection (b) of this section.

18       (b) The Secretary shall establish:

19               (1) criteria to determine eligibility for grants for the program; and

20               (2) a priority basis for the selection process that ensures equitable  
21       allocation of funds to municipalities.

1           (c) In Fiscal Year 2022, the amount of \$250,000.00 in [SOURCE OF  
2           FUNDS] shall be appropriated to the Agency of Education for the program  
3           described in subsection (a) of this section..

4           Sec. 9. REPEAL OF PLANNING GRANTS; REPURPOSE SCHOOL  
5           BUILDINGS

6           The planning grant program established in Sec. 8 of this act shall be  
7           repealed on [DATE]

8           Sec. 10. EFFECTIVE DATES

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