

H.426

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

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

Sec. 1. FINDINGS; INTENT

(a) The General Assembly finds that:

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

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

(3) Between Fiscal Years 2008 and 2016, the State honored its obligation to repay the remaining outstanding obligations for projects for which State aid had been committed prior to the suspension.

(b) The General Assembly also finds that:

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

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

(c) 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, including between wealthier communities and communities in need across the State.

(d) It is the intent of the General Assembly to develop a plan 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.

Sec. 2. SCHOOL CONSTRUCTION; FACILITIES STANDARDS;

CAPITAL OUTLAY FINANCING FORMULA; AGENCY OF
EDUCATION; STATE BOARD OF EDUCATION; UPDATE

(a) On or before January 15, 2023, the Secretary of Education, in consultation with the Executive Director of the Vermont Superintendents Association and the Chair of the State Board of Education, 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, indoor air quality, and water and energy efficiency.

(b) On or before January 15, 2023, 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.

(c) The State Board is authorized to use not more than \$100,000.00 of the amount appropriated in Sec. 3(d) of this act to hire a consultant to provide technical assistance for the project described in subsection (b) of this section.

Sec. 3. SCHOOL FACILITIES CONDITIONS ASSESSMENT; AGENCY
OF EDUCATION; DEPARTMENT OF BUILDINGS AND
GENERAL SERVICES

(a) On or before September 1, 2021, the Secretary of Education, in coordination with the Commissioner of Buildings and General Services, shall issue a request for proposal for a school facilities conditions assessment to

inform the Agency of Education of the statewide school facilities needs and costs. The assessment shall include:

(1) A planning phase that utilizes the expertise of the consultant and other stakeholders to finalize the evaluation criteria and methodology for collection of data.

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

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

(A) capacity and utilization;

(B) safety and security infrastructure;

(C) accessibility;

(D) technology infrastructure;

(E) capacity to deliver STEAM (science, technology, engineering, arts, and math) programming; and

(F) building systems' condition and performance, including energy efficiency improvements and indoor air quality to address the health and safety of students and employees.

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

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

(d) The total cost for the assessment described in this section shall not exceed \$2,500,000.00, of which the Secretary is authorized to expend as follows:

(1) Of the initial expenditures, not more than the \$627,500.00 shall be used from the amount allocated to the Agency of Education from the Coronavirus Aid, Relief, and Economic Security Act pursuant to Secs. 18003(e), 2020, Pub. L. No. 116-136.

(2) Of the remaining expenditures, not more than \$1,872,500.00 shall be used from the amount allocated to the Agency of Education Elementary and Secondary School Emergency Relief Fund pursuant to Section 313(e) of the Consolidated Appropriations Act, 2021, Pub. L. No. 116-260.

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

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

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

(a) On or before January 15, 2023, the Secretary of Education shall submit a report to the General Assembly that shall include the following:

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

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

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

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

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

§ 837. SCHOOL FACILITIES MANAGEMENT; TRAINING AND
CERTIFICATION

(a) The Secretary of Education, in consultation with facilities management industry and school operations experts, shall establish guidelines for the

training and certification of each person designated as responsible for facilities management for a school district or supervisory union.

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

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

§ 838. CAPITAL IMPROVEMENT PLAN

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

(b) The capital operations and improvement plan described in subsection (a) of this section shall be in a form developed and prescribed by the Secretary of Education after consultation with facilities management and school operations experts.

Sec. 7. AGENCY OF EDUCATION; CREATION OF POSITIONS

(a) One limited-service position funded through January 15, 2023 is created in the Agency of Education to implement this act by using an existing position in the position pool.

(b) In fiscal year 2022, the Agency of Education is authorized to use not more than \$127,500.00 from the amount allocated to the Agency of Education Elementary and Secondary School Emergency Relief Fund pursuant to Section 313(e) of the Consolidated Appropriations Act, 2021, Pub. L. No. 116–260 for the position described in subsection (a) of this section.

Sec. 8. EFFECTIVE DATES

This act shall take effect on passage, except that Sec. 6, 16 V.S.A. § 838, shall take effect on July 1, 2023.