

1 TO THE HONORABLE SENATE:

2 The Committee on Education to which was referred House Bill No. 426
3 entitled “An act relating to addressing the needs and conditions of public
4 school facilities in the State” respectfully reports that it has considered the
5 same and recommends that the bill be amended by striking out all after the
6 enacting clause and inserting in lieu thereof the following:

7 Sec. 1. FINDINGS; INTENT

8 (a) The General Assembly finds that:

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

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

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

20 (b) The General Assembly also finds that:

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

3 (2) Between 2008 and 2019, school districts in Vermont issued
4 approximately \$211,000,000.00 in bonds for school construction projects. In
5 2020, there was an estimated \$445,000,000.00 in bonding planned and
6 proposed by school districts for future school construction projects statewide.

7 (c) The General Assembly also finds that the backlog in the State’s school
8 construction projects has resulted in unsafe and unhealthy learning
9 environments and disparities in the quality of education, including between
10 wealthier communities and communities in need across the State.

11 (d) It is the intent of the General Assembly to develop a plan to address the
12 needs and conditions of the State’s school buildings in order to create better
13 learning environments for Vermont’s students and increase the equity in the
14 quality of education around the State.

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

18 (a) On or before January 15, 2023, the Secretary of Education, in
19 consultation with the Executive Director of the Vermont Superintendents
20 Association and the Chair of the State Board of Education, shall update the
21 school construction facilities standards. The update shall reflect:

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

4 (b) On or before January 15, 2023, the State Board of Education shall
5 update and adopt the Capital Outlay Financing Formula.

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

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

13 (c) The Agency of Education is authorized to use not more than
14 \$100,000.00 of the amount appropriated in Sec. 3(d) of this act to hire a
15 consultant to provide technical assistance to the State Board for the project
16 described in subsection (b) of this section.

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

20 (a) On or before September 1, 2021, the Secretary of Education, in
21 coordination with the Commissioner of Buildings and General Services, shall

1 issue a request for proposal for a school facilities conditions assessment to
2 inform the Agency of Education of the statewide school facilities needs and
3 costs. The assessment shall include:

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

7 (2) A review of school facility conditions, space utilization, and
8 suitability of the facility and its spaces to deliver educational and support
9 services. This shall include an assessment of the buildings' heating systems
10 that includes an estimate of the year the system should be replaced and, if it is
11 a fossil fuel heating system, a determination of which type of non-fossil fuel
12 heating system should replace it.

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

16 (A) capacity and utilization;

17 (B) safety and security infrastructure;

18 (C) accessibility;

19 (D) technology infrastructure;

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

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

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

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

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

14 (1) Of the initial expenditures, not more than the \$627,500.00 shall be
15 used from the amount allocated to the Agency of Education from the
16 Coronavirus Aid, Relief, and Economic Security Act pursuant to Secs.
17 18003(e), 2020, Pub. L. No. 116-136.

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

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

4 (f) As used in this section, “school” means a public school as defined in
5 16 V.S.A. § 11.

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

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

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

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

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

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

19 Sec. 5. 16 V.S.A. § 165 is amended to read:

20 § 165. EDUCATION QUALITY STANDARDS; EQUAL EDUCATIONAL
21 OPPORTUNITIES; INDEPENDENT SCHOOL MEETING

1 EDUCATION QUALITY STANDARDS

2 (a) In order to carry out Vermont’s policy that all Vermont children will be
3 afforded educational opportunities that are substantially equal in quality, each
4 Vermont public school district, including each career technical center, shall
5 meet the following education quality standards:

6 * * *

7 (3) The school district substantially meets standards adopted by rule of
8 the State Board regarding conditions, practices and resources of schools. The
9 standards shall address those aspects of the following that are most closely
10 associated with improving student performance:

11 (A) school leadership, staffing, and support services;

12 (B) instructional practices and curriculum leadership, content, and
13 coordination;

14 (C) educational materials and school facilities;

15 (D) access to current technology.

16 * * *

17 Sec. 6. 16 V.S.A. § 559 is amended to read:

18 § 559. PUBLIC BIDS

19 (a) Cost threshold. When the cost exceeds ~~\$15,000.00~~ \$40,000.00, a
20 school board or supervisory union board shall publicly advertise or invite three

1 or more bids from persons deemed capable of providing items or services if
2 costs are in excess of ~~\$15,000.00~~ \$40,000.00 for any of the following:

3 (1) the construction, purchase, lease, or improvement of any school
4 building;

5 (2) the purchase or lease of any item or items required for supply,
6 equipment, maintenance, repair, or transportation of students; or

7 (3) a contract for transportation, maintenance, or repair services.

8 * * *

9 Sec. 7. 16 V.S.A. § 837 is added to read:

10 § 837. SCHOOL FACILITIES MANAGEMENT; TRAINING AND
11 CERTIFICATION

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

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

21 Sec. 8. 16 V.S.A. § 838 is added to read:

1 § 838. CAPITAL IMPROVEMENT PLAN

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

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

9 Sec. 8. AGENCY OF EDUCATION; CREATION OF POSITION

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

13 (b) In fiscal year 2022, the Agency of Education is authorized to use not
14 more than \$127,500.00 from the amount allocated to the Agency of Education
15 from the Elementary and Secondary School Emergency Relief Fund pursuant
16 to Section 313(e) of the Consolidated Appropriations Act, 2021, Pub. L. No.
17 116–260 for the position described in subsection (a) of this section.

18 Sec. 9. MUNICIPAL ENERGY LOAN PILOT PROGRAM; FINANCING
19 FOR SCHOOLS

20 On or before January 15, 2023, the Agency of Education, in coordination
21 with the Department of Buildings and General Services, shall submit a report

1 to the House Committees on Corrections and Institutions and on Education and
2 the Senate Committees on Education and on Institutions to determine how the
3 Municipal Energy Loan Pilot Program, established in Sec. E.112 of the Fiscal
4 2022 Appropriations Act, shall support schools to implement needed energy
5 efficiency and conservation measures, including those identified in the
6 assessment required by Sec. 3 of this act.

7 **Sec. 10. SCHOOL FACILITIES; HEALTH AND SAFETY PROJECTS;**

8 **COVID-19**

9 (a) On or before September 30, 2023, Agency of Education shall contract
10 with an independent third party to assist any school district using funds
11 allocated to it from the Elementary and Secondary School Emergency Relief
12 Fund pursuant to Section 313(f) of the Consolidated Appropriations Act, 2021,
13 Pub. L. No. 116–260, and any other federal sources, to improve the overall
14 health and safety of any of the district’s school facilities as a result of the
15 COVID-19 pandemic. The contractor’s responsibilities shall include:

16 (1) project coordination;

17 (2) serving as a liaison;

18 (A) between the school district, the Agency of Education, the
19 Department of Health, and any other relevant entities in the State that may be
20 leveraged to support the work, including to coordinate the use of federal
21 funding programs and maximize funding, labor, and equipment resources;

1 (B) between the school district and the Agency of Education to:

2 (i) facilitate the district prioritization of school safety and health
3 issues;

4 (ii) support a school district, in coordination with the Agency of
5 Education, in defining their investment strategies for the improvement of
6 school facilities in a manner consistent with the intent and purpose of any
7 funding source; and

8 (iii) develop communications to support the prioritization of
9 projects; and

10 (C) provide status updates and a final report on project work to the
11 school district and the Agency of Education, including recommendations on
12 how to maintain the facility after the performance period of the grant funds.

13 (b)(1) The Agency is authorized to allocate not more than \$500,000.00 of
14 the amount allocated to the Agency of Education from the Elementary and
15 Secondary School Emergency Relief Fund pursuant to Section 313(f) of the
16 Consolidated Appropriations Act, 2021, Pub. L. No. 116–260 for the purpose
17 described in subsection (a) of this section.

18 (2) The Agency of Education shall reserve not more than \$1,000,000.00
19 from the amount allocated to the Agency of Education from the Elementary
20 and Secondary School Emergency Relief Fund pursuant to Section 313(f) of
21 the Consolidated Appropriations Act, 2021, Pub. L. No. 116–260 if a school

1 district has used all of the funds allocated to it from the Elementary and
2 Secondary School Emergency Relief Fund pursuant to Section 313(e) of the
3 Consolidated Appropriations Act, 2021, Pub. L. No. 116–260 and needs
4 additional funding to plan and implement improvements to its facilities
5 pursuant to this section.

6 Sec. 11. EFFECTIVE DATES

7 This act shall take effect on passage, except that Sec. 8 (16 V.S.A. § 838)
8 shall take effect on July 1, 2023.

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12 (Committee vote: _____)

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Senator _____

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FOR THE COMMITTEE