

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           (e) The purpose of the funding appropriated in this act is to enable  
16           supervisory unions and supervisory districts to utilize their ESSR allocations to  
17           improve the conditions for health and safety of students and staff, to address  
18           other eligible facilities needs, and to position the State in addressing the  
19           backlog of school facilities needs in an efficient and equitable manner.

20           Sec. 2. SCHOOL FACILITIES CONDITIONS INVENTORY; AGENCY  
21           OF EDUCATION; REPORT

1        (a) On or before November 1, 2021, the Secretary of Education, shall  
2        [contract with an independent third party to?] conduct an inventory of  
3        school facilities to ascertain the extent of need for additional support to school  
4        districts as a result of the COVID-19 pandemic and other causes. The  
5        inventory shall collect information about the current state of school facilities  
6        and immediate plans to invest in school facilities, including:  
7                (1) general information about facilities, age of buildings, and major  
8                mechanical systems;  
9                (2) a review of school facility conditions, space utilization, and  
10               suitability of the facility and its spaces to deliver educational and support  
11               services; and  
12               (3) building systems' condition and performance to address health and  
13               safety of students and employees, including energy efficiency improvements  
14               and indoor air quality, accessibility to and within buildings, and condition of  
15               technology systems.  
16        (b) The Secretary is authorized to use not more than \$500,000.00 from the  
17        amount allocated to the Agency of Education from the Elementary and  
18        Secondary School Emergency Relief Fund pursuant to Section 313(e) of the  
19        Consolidated Appropriations Act, 2021, Pub. L. No. 116–260 to contract with  
20        an independent third party to conduct the assessment described in subsection

1 (a) of this section. The assessment shall be completed on or before January 15,  
2 2022.

3 (c) On or before January 15, 2022, the Secretary of Education shall submit  
4 a report to the House and Senate Committees on Education presenting the  
5 findings of the inventory described in subsection (a) of this section.

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

8 Sec. 3. 16 V.S.A. § 559 is amended to read:

9 § 559. PUBLIC BIDS

10 (a) Cost threshold. When the cost exceeds ~~\$15,000.00~~ \$40,000.00, a  
11 school board or supervisory union board shall publicly advertise or invite three  
12 or more bids from persons deemed capable of providing items or services if  
13 costs are in excess of ~~\$15,000.00~~ \$40,000.00 for any of the following:

14 (1) the construction, purchase, lease, or improvement of any school  
15 building;

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

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

19 \* \* \*

20 Sec. 4. MUNICIPAL ENERGY LOAN PILOT PROGRAM; FINANCING  
21 FOR SCHOOLS

1       On or before January 15, 2023, the Agency of Education, in coordination  
2       with the Department of Buildings and General Services, shall submit a report  
3       to the House Committees on Corrections and Institutions and on Education and  
4       the Senate Committees on Education and on Institutions to determine how the  
5       Municipal Energy Loan Pilot Program, established in Sec. E.112 of the Fiscal  
6       2022 Appropriations Act, shall support schools to implement needed energy  
7       efficiency and conservation measures, including those identified in the  
8       assessment required by Sec. 3 of this act.

9       Sec. 5. SCHOOL FACILITIES; HEALTH AND SAFETY PROJECTS;

10               COVID-19

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

18               (1) project coordination;

19               (2) serving as a liaison:

20                       (A) between the school district, the Agency of Education, the  
21       Department of Health, and any other relevant entities in the State that may be

1 leveraged to support the work, including to coordinate the use of federal  
2 funding programs and maximize funding, labor, and equipment resources;

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

4 (i) facilitate the district prioritization of school safety and health  
5 issues;

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

10 (iii) develop communications to support the prioritization of  
11 projects; and

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

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

20 (2) The Agency of Education shall reserve not more than \$1,000,000.00  
21 from the amount allocated to the Agency of Education from the Elementary

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

8 Sec. 6. EFFECTIVE DATES

9 This act shall take effect on passage.

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12 (Committee vote: \_\_\_\_\_)

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\_\_\_\_\_

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Senator \_\_\_\_\_

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FOR THE COMMITTEE