

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 the bill be amended as
6 follows:

7 First: In Sec. 1, Findings; Intent, in the section heading, inserting “;
8 Purpose” after “Intent” and by adding a subsection (e) to read as follows:

9 (e) The purpose of the funding appropriated in this act is to enable
10 supervisory unions and supervisory districts to utilize their Elementary and
11 Secondary School Emergency Relief Fund allocations to improve the
12 conditions for health and safety of students and staff, to address other eligible
13 facilities needs, and to position the State in addressing the backlog of school
14 facilities needs in an efficient and equitable manner.

15 Second: In Sec. 2, School Construction; Facilities Standards; Capital
16 Outlay Financing Formula; Agency of Education; State Board of Education;
17 Update, in subsection (c), by striking out “State Board” and inserting in lieu
18 thereof “Agency of Education” and by inserting “to the State Board” after
19 “technical assistance”

1 Third: By striking out Sec. 3, School Facilities Conditions Assessment;
2 Agency of Education; Department of Buildings and General Services, and
3 inserting in lieu thereof the following:

4 Sec. 3. SCHOOL FACILITIES INVENTORY AND CONDITIONS

5 ASSESSMENT; AGENCY OF EDUCATION; DEPARTMENT OF
6 BUILDINGS AND GENERAL SERVICES; REPORT

7 (a) On or before September 1, 2021, the Secretary of Education, in
8 coordination with the Commissioner of Buildings and General Services, shall
9 issue a request for proposal for a school facilities inventory and conditions
10 assessment to ascertain the extent of need for additional support to school
11 districts as a result of the COVID-19 pandemic and to inform the Agency of
12 Education of the statewide school facilities needs and costs.

13 (b) The Secretary of Education shall contract with an independent third
14 party to conduct the inventory and assessment described in subsection (a) of
15 this section. The inventory shall be completed on or before January 15, 2022,
16 and the assessment shall be completed on or before October 1, 2022.

17 (c) The independent third party hired pursuant to subsection (b) of this
18 section shall conduct the inventory and assessment in two phases.

19 (1) the inventory phase of the contract shall include collecting
20 information about the current state of school facilities and immediate plans to
21 invest in school facilities, including:

1 (A) general information about facilities, age of buildings, and major
2 mechanical systems;

3 (B) a review of school facility conditions, space utilization, and
4 suitability of the facility and its spaces to deliver educational and support
5 services; and

6 (C) building systems' condition and performance to address health
7 and safety of students and employees, including energy efficiency
8 improvements and indoor air quality, accessibility to and within buildings, and
9 condition of technology systems.

10 (2) the assessment phase of the contract shall include:

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

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

17 (i) capacity and utilization;

18 (ii) safety and security infrastructure;

19 (iii) accessibility;

20 (iv) technology infrastructure;

1 (v) capacity to deliver STEAM (science, technology, engineering,
2 arts, and math) programming; and

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

6 (d) The Secretary is authorized to use not more than \$2,500,000.00 from
7 the amount allocated to the Agency of Education from the Elementary and
8 Secondary School Emergency Relief Fund pursuant to Section 2001(c) of the
9 American Rescue Plan Act of 2021, Pub. L. No. 117-2 to conduct the
10 inventory and assessment described in this section.

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

15 (f) On or before January 15, 2022, the Secretary of Education shall submit a
16 report to the House and Senate Committees on Education presenting the
17 findings of the inventory described in subsection (a) of this section and a
18 progress update on the assessment phase.

19 (g) As used in this section, "school" means a public school as defined in
20 16 V.S.A. § 11.

1 **Fourth:** By striking out all after Sec. 7, Agency of Education; Creation of
2 **Positions, and inserting in lieu thereof the following:**

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

4 § 559. PUBLIC BIDS

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

9 (1) the construction, purchase, lease, or improvement of any school
10 building;

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

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

14 * * *

15 **Sec. 9.** SCHOOL FACILITIES; HEALTH AND SAFETY PROJECTS;

16 COVID-19

17 (a) On or before September 30, 2023, Agency of Education shall contract
18 with an independent third party to assist any school district using funds
19 allocated to it from the Elementary and Secondary School Emergency Relief
20 Fund pursuant to Section 2001(d) of the American Rescue Plan Act of 2021,
21 Pub. L. No. 117-2 and any other federal sources, to improve the overall health

1 and safety of any of the district’s school facilities as a result of the COVID-19
2 pandemic. The contractor’s responsibilities shall include:

3 (1) project coordination;

4 (2) serving as a liaison:

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

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

10 (i) facilitate the district prioritization of school safety and health
11 issues;

12 (ii) support a school district, in coordination with the Agency of
13 Education, in defining their investment strategies for the improvement of
14 school facilities in a manner consistent with the intent and purpose of any
15 funding source; and

16 (iii) develop communications to support the prioritization of
17 projects; and

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

1 (b)(1) The Agency is authorized to allocate not more than \$500,000.00 of
2 the amount allocated to the Agency of Education from the Elementary and
3 Secondary School Emergency Relief Fund pursuant to Section 2001(c) of the
4 American Rescue Plan Act of 2021, Pub. L. No. 117-2 for the purpose
5 described in subsection (a) of this section.

6 (2) The Agency of Education shall reserve not more than \$1,000,000.00
7 from the amount allocated to the Agency of Education from the Elementary
8 and Secondary School Emergency Relief Fund pursuant to Section 2001(c) of
9 the American Rescue Plan Act of 2021, Pub. L. No. 117-2 if a school district
10 has used all of the funds allocated to it from the Elementary and Secondary
11 School Emergency Relief Fund pursuant to Section 2001(d) of the American
12 Rescue Plan Act of 2021, Pub. L. No. 117-2 and needs additional funding to
13 plan and implement improvements to its facilities pursuant to this section.

14 * * * Energy Efficiency in Schools * * *

15 **Sec. 10.** MUNICIPAL ENERGY LOAN PILOT PROGRAM; FINANCING
16 FOR SCHOOLS

17 On or before January 15, 2023, the Agency of Education, in coordination
18 with the Department of Buildings and General Services, shall submit a report
19 to the House Committees on Corrections and Institutions and on Education and
20 the Senate Committees on Education and on Institutions to determine how the
21 Municipal Energy Loan Pilot Program, established in Sec. E.112 of the Fiscal

1 2022 Appropriations Act, shall support schools to implement needed energy
2 efficiency and conservation measures, including those identified in the
3 inventory and assessment required by Sec. 3 of this act.

4 **Sec. 11. SCHOOL INDOOR AIR QUALITY GRANT PROGRAM;**

5 GRANTS FOR RENEWABLE AND EFFICIENT HEATING

6 SYSTEMS IN SCHOOLS; APPROPRIATION

7 (a) Appropriation. In fiscal year 2022, \$6,000,000.00 is appropriated from
8 the amount provided to the State by the American Rescue Plan Act of 2021 in
9 the State and Local Coronavirus Fiscal Recovery Fund to expand the School
10 Indoor Air Quality Grant Program established in 2020 Acts and Resolves
11 No. 120, Sec. A.51 to award grants for renewable and efficient heating systems
12 in schools. Renewable and efficient heating systems grants shall be used to
13 make necessary improvements to address building systems in covered schools
14 to improve health, safety, and efficiency in response to the COVID-19
15 emergency.

16 (b) Definition. As used in this section, “covered school” means public
17 schools and approved independent schools as defined under 16 V.S.A. § 11.

18 (c) Grant awards established. There is created within the School Indoor
19 Air Quality Grant Program, established in 2020 Acts and Resolves No. 120,
20 Sec. A.51, the Renewable and Efficiency Heating Systems Grant Program (the

1 Program) to make necessary improvements to address thermal enclosure and
2 building systems in covered schools.

3 (d) Administration; implementation.

4 (1) Efficiency Vermont shall administer the Program and is authorized
5 to use the amount appropriated in subsection (a) of this section for the
6 following:

7 (A) provide consulting services to covered schools;

8 (B) award grant funds to covered schools of not more than 50 percent
9 of the total cost for the improvement or repair of existing heating systems, with
10 a focus on energy efficiency and providing appropriate space conditioning; and

11 (C) award grant funds to covered schools for the installation of
12 renewable or efficiency electric space heating and conditioning systems.

13 (2) Grant program design. Efficiency Vermont, in consultation with the
14 Agency of Education, the Vermont Superintendents Association, and experts in
15 the field of thermal enclosure, energy efficiency, and renewable building space
16 systems, shall design the Program. The Program design shall establish:

17 (A) an outreach and education plan, including specific tactics to
18 reach and support all covered schools;

19 (B) an equitable system for distributing grants statewide based on
20 geographic location, school size, grant dollar amount, and assessed need, with

1 an emphasis on schools that may not have administrative support to apply for
2 grants; and

3 (C) guidelines for thermal enclosure and renewable and energy
4 efficiency buildings systems resilience, durability, health, and efficiency
5 measures and costs that will be eligible for grant funding.

6 (e) Costs and fees.

7 (1) Efficiency Vermont is authorized to use up to \$150,000.00 of the
8 amount appropriated in subsection (a) of this section for direct labor costs.

9 (2) As the entity appointed to serve as Efficiency Vermont, the Vermont
10 Energy Investment Corp. (VEIC) is also authorized to collect their federal
11 approved indirect rate of 9.3 percent on the funds expended in this section.

12 (3) Nothing shall prohibit Efficiency Vermont from supplementing total
13 project costs completed under this section with a portion of its Public Utility
14 Commission-approved budget for the purpose of achieving higher levels of
15 efficiency and claiming efficiency savings toward completing of performance
16 targets pursuant to 30 V.S.A. § 209(d).

17 (f) Coordination. Efficiency Vermont shall coordinate with the Agency of
18 Education and any other State entities and agencies working with covered
19 schools to provide grants for the Program.

20 (g) Reporting. On or before January 15, 2022, the Agency of Education
21 shall report to the House and Senate Committees on Appropriations on the

1 specific uses of the funds appropriated in subsection (a) of this section, the
2 costs of any projects funded through the Program, and a description of the
3 projects.

4 (h) Disclosures. Efficiency Vermont shall require that any school that
5 receives a grant through the Program shall authorize Efficiency Vermont to
6 release the school name and grant amount in any report requested by the
7 General Assembly.

8 (i) Use of funds. The amount appropriated in this section shall only be
9 used for the Program and shall not be used to carry out the duties of the School
10 Indoor Air Quality Grant Program as described in 2020 Acts and Resolves No.
11 120, Sec. A.51 and 2021 Acts and Resolves No. 9, Sec. 15.

12 * * * Effective Date * * *

13 **Sec. 12.** EFFECTIVE DATE

14 This act shall take effect on passage.

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16

17 (Committee vote: _____)

18

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Senator _____

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FOR THE COMMITTEE