

Testimony on H.426 - School Construction Funding

Testimony To: Senate Committee on Education

Respectfully Submitted By: Daniel M. French, Ed.D., Secretary of Education

Date: April 7, 2021

Thank you for the opportunity to testify on this bill. High quality school facilities are an essential precondition for ensuring access to a high-quality education for all students. Over the last few years, I have been working with a committee of superintendents, school facilities professionals, and school architects to address the quality of our school facilities. H.426 represents many of the concepts of this advocacy, and I appreciate the interest of the General Assembly in considering this important topic.

As much as my testimony on this bill has been informed by that advocacy, it has also been informed by my experience managing the emergency response in K-12 education during the COVID-19 pandemic. This experience has required us to urgently address school facilities issues, particularly those issues pertaining to the safety and health of school buildings.

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

This section focuses on updating the construction standards that are currently in regulation. I support this work but recommend the appropriation of up to \$100,000 currently designated to the State Board be designated to the agency instead.

I would also point out that the statutory framework for school construction aid (16 V.S.A. 3448) also should be updated to reflect changing demographics and education policy priorities. I would recommend two changes in this area: 1) construction aid should be provided on a sliding scale based on a community's relative grand list value and student enrollments, and 2) education policy goals such as a commitment to support an elementary school(s) in most communities to address the interest in ensuring our youngest students get off to a good start, and greater emphasis on the regionalization of middle and high schools to ensure these students have access to high quality educational experiences in all curricular areas including the arts.

Also, I think it would be helpful to update the cost threshold for bidding required in 16 V.S.A. 559. That threshold is currently \$15,000 and has not been updated in many years. I recommend a cost threshold of \$40,000 to reflect the current costs.

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

Pre-COVID-19, I supported the idea of doing a comprehensive needs assessment of our facilities needs. I think our focus now should shift to addressing these needs since we have a significant opportunity to do so with the federal education funds coming into the state for COVID-19 relief.

I think doing a needs assessment now would be premature since districts are about to embark on a period of facilities improvement because of this new federal funding. It might be more useful to do such a needs assessment after the three-year period of federal funding has ended.

I recommend the Committee review the proposals I put forward yesterday in my testimony on H.315. I outlined a strategy to maximize the use of ESSER funds to address school facility needs. That strategy includes two recommended appropriations to the agency from ESSER state set aside funds: 1) Not more than \$500,000 over three years for the agency to contract with an entity to assist districts with spending their local ESSER funds on addressing facilities needs, and 2) \$1M each year for three years to support districts who might need additional funds beyond their local ESSER funding to address facilities issues.

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

- Report by January 15, 2023 – I support the agency doing this work. I think a comprehensive review of our policy in this area would be helpful.
- School Facilities Management Certification – I support the idea of supervisory unions employing an individual who is qualified to manage school facilities. I think these guidelines should be included in revised School District Quality Standards. See my thoughts on this below.
- Capital Improvement Plan – I support this requirement. I think it should be included in revised School District Quality Standards.
- Limited-Service Position Funded from ESSER – I would prefer to contract for this function as outlined above. I think contracting for these services would enable us to move forward more quickly.

Moving Towards School District Quality Standards

Quality standards in education largely reside in regulation promulgated by the State Board. In 2015, those standards shifted from School Quality Standards to Education Quality Standards. The rationale for this change was to put less focus on inputs and more emphasis on outcomes.

This regulatory work happened in parallel to policy changes being enacted in school district governance reform. Starting with Act 153 of 2010, the General Assembly required key school system functions related to education quality such as the oversight of curriculum and professional development to be shifted from the school level to the supervisory union level. Act 46 ultimately codified these changes by incentivizing school district mergers and in some cases requiring them.

Quality issues such as the condition of school facilities should be in education quality regulation, and districts should be the focus of these regulations not schools; under the law, 16 V.S.A. § 563(5), school boards are required to maintain the quality of their buildings.

This points to a need to revise and expand our current regulations to focus on all of the major elements that contribute to positive outcomes for students. Massachusetts, for example, includes the following domains in its quality standards:

- Leadership and Governance
- Curriculum and Instruction

- Assessment
- Human Resources and Professional Development
- Student Support
- Financial and Asset Management

The capital planning and facility maintenance standards contemplated under H.426 would fall under the Financial and Asset Management domain in regulation.

I recommend 16 V.S.A. § 165(a)(3) be amended to shift the focus of education quality to districts not schools, and explicitly require the areas above be included in the rules and regulations pertaining to education quality.