

1 H.871

2 An act relating to the development of an updated State aid to school
3 construction program

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

5 Sec. 1. 16 V.S.A. § 3441 is added to read:

6 § 3441. FACILITIES MASTER PLAN GRANT PROGRAM; REPORT

7 (a) Intent. It is the intent of the General Assembly that the Facilities
8 Master Plan Grant Program established pursuant to this section shall enable
9 supervisory unions and independent career and technical education districts to
10 develop a supervisory union level vision for all school buildings that meets the
11 educational needs and goals of the supervisory union. The goal of a facilities
12 master plan shall be to facilitate an evaluation of the capacity of existing
13 facilities to deliver on identified 21st century educational goals. A facilities
14 master plan shall also enable and require supervisory unions to engage in
15 intentional and robust conversations with the larger community that will
16 hopefully lead to the successful passage of bonds needed to support the
17 renovation or construction needs of the supervisory union. It is the intent of
18 the General Assembly that awards shall be granted in accordance with this
19 section and in a manner that allows a maximum number of supervisory unions
20 and independent career and technical education districts to successfully
21 complete facilities master plans.

1 (b) Definition. As used in this section, “supervisory union” shall have the
2 same meaning as in subsection 11(23) of this title and shall include supervisory
3 districts and independent career and technical education districts.

4 (c) Establishment. There is established the Facilities Master Plan Grant
5 Program to be administered by the Agency of Education, from funds
6 appropriated for this purpose, to supervisory unions and independent career
7 and technical education districts to support the development of educational
8 facilities master plans. Grant funds may be used to hire a consultant to assist
9 in the development of the master plan with the goal of developing a final
10 master plan that complies with State construction aid requirements

11 (d) Standards for the disbursement of funds. The Agency shall develop
12 standards for the disbursement of grant funds in accordance with the following:

13 (1) Grants shall be awarded to applicants with the highest facilities
14 needs. The Agency shall develop a prioritization formula based on an
15 applicant’s poverty factor and average facilities condition index score. The
16 Agency shall develop or choose a poverty metric to use for the prioritization
17 formula. The Agency may give priority to applications with a regionalization
18 focus that consist of more than one supervisory union or independent career
19 and technical education district that apply as a consortium.

1 (2) Award amounts shall be commensurate with the gross square
2 footage of buildings located within the applicable supervisory union or career
3 and technical education district.

4 (3) The Agency shall develop minimum requirements for an educational
5 facilities master plan, which shall include, at a minimum, the following
6 elements:

7 (A) a description of the educational mission, vision, and goals of the
8 supervisory union;

9 (B) a description of educational programs and services offered by the
10 supervisory union;

11 (C) the performance of a space utilization assessment;

12 (D) the identification of new program needs;

13 (E) the development of enrollment projections;

14 (F) the performance of a facilities assessment; and

15 (G) information regarding the various design options explored to
16 address the supervisory union's identified needs.

17 (e) Report. Annually on or before December 31, the Agency shall submit
18 to the House and Senate Committees on Education a written report with
19 information on the implementation of the grant program created in this section.

20 Sec. 2. REPEAL; FACILITIES MASTER PLAN GRANT PROGRAM

1 16 V.S.A. § 3441 (Facilities Master Plan Grant Program) as added by this
2 act is repealed on June 30, 2029.

3 Sec. 3. PREQUALIFIED ARCHITECTURE AND ENGINEERING
4 CONSULTANTS

5 On or before October 15, 2024, the Agency of Education shall coordinate
6 with the Department of Buildings and General Services to develop
7 prequalification criteria for architecture and engineering firms specializing in
8 kindergarten through grade 12 school design and construction. The
9 Department shall assist the Agency in distributing requests for qualifications
10 and in reviewing the resulting responses for approval and prequalification.

11 The Department shall maintain the list of prequalified firms and shall make the
12 list available to school districts and supervisory unions.

13 Sec. 4. STATE AID FOR SCHOOL CONSTRUCTION WORKING GROUP;
14 REPORT

15 (a) Creation. There is created the State Aid for School Construction
16 Working Group to study and design a plan for a statewide school construction
17 aid program.

18 (b) Membership. The Working Group shall be composed of the following
19 members:

20 (1) three current members of the House of Representatives, not all from
21 the same political party, who shall be appointed by the Speaker of the House;

1 (2) three current members of the Senate, not all from the same political
2 party, who shall be appointed by the Committee on Committees; and

3 (3) the Secretary of Education, or designee.

4 (c) Powers and duties.

5 (1) The Working Group shall study and create a recommended plan for
6 a statewide school construction aid program, including recommendations on
7 implementation. To facilitate its understanding of school construction projects
8 and other school construction state aid programs, the Working Group may
9 travel to conduct site visits at schools or other state programs. In creating its
10 recommendations, the Working Group shall address the following topics,
11 building from the recommendations contained in the report of the School
12 Construction Aid Task Force, created in 2023 Acts and Resolves No. 78, Sec.
13 E.131.1:

14 (A) Governance. The Working Group shall study other state
15 governance models for school construction aid programs, including inviting
16 testimony from school officials from those states, and make a recommendation
17 for a governance model for Vermont that aligns with the other funding and
18 programmatic recommendations of the Working Group. Governance
19 recommendations shall include recommendations on staffing levels and a
20 stable appropriation for the funding of the recommended governance structure.

1 (B) Prioritization criteria. The Working Group shall make
2 recommendations on state aid prioritization criteria that will drive funding
3 towards projects that are aligned to the State’s educational policies and
4 priorities.

5 (C) Eligibility criteria. The Working Group shall consider, at a
6 minimum, the following state aid eligibility criteria:

7 (i) appropriate maintenance and operations budgeting at the
8 supervisory union level;

9 (ii) a requirement for eligible supervisory unions to have a five
10 year capital plan;

11 (iii) a facility condition index maximum level that would preclude
12 eligibility but may qualify a building for a State share percentage bonus to
13 replace the building;

14 (iv) a requirement for a supervisory union master planning process
15 that would require consideration of the adaptive reuse of schools for housing or
16 other social infrastructure; and

17 (v) a prohibition on exclusionary zoning regulations that would
18 preclude lesser resourced families from living in the applicable school district.

19 (D) State base share. The Working Group shall make
20 recommendations as to whether to include a State base share and if so, whether
21 it shall be based on student or community poverty factors. The Working

1 Group shall consider factors such as local taxing capacity, student poverty
2 data, environmental justice metrics, and energy burden metrics.

3 (E) Incentives. The Working Group shall consider the use of
4 incentives or State share bonuses that align with Vermont’s educational
5 priorities with the goal of efficient and sustainable use of taxpayer supported
6 school construction aid to improve student learning environments and
7 opportunities. The Working Group shall consider appropriate limits on
8 cumulative incentives and whether incentives shall be bundled for eligibility.

9 Policy areas to consider for incentives include:

- 10 (i) school safety and security;
11 (ii) health;
12 (iii) educational enhancements;
13 (iv) overcrowding solutions;
14 (v) environmental performance;
15 (vi) newer and fewer buildings;
16 (vii) major renovations to improve PreK–12 systems educational
17 alignment and capacity;
18 (viii) replacement of facilities with a current facility condition
19 index of 65 percent or higher, in combination with other policy area incentives;
20 and

1 (ix) schools identified with actionable levels of airborne PCBs and
2 other identified environmental hazards in critical education spaces.

3 (F) Assurance and certification process.

4 (i) The Working Group shall make recommendations for an
5 assurance and certification process and shall consider, at a minimum the
6 following:

7 (I) a district's commitment to adequate funding for ongoing
8 maintenance and operations of any State-funded improvements;

9 (II) a district to assure to adequate training for facilities and
10 custodial staff to properly operate and maintain systems funded through State
11 aid;

12 (III) a district to complete a full commissioning process as a
13 requirement to receive State funds at the end of the project; and

14 (IV) a clerk of the works throughout the lifespan of the project.

15 (ii) The Working Group shall also consider whether the assurance
16 and certification process shall be eligible for State funding support, as well as
17 whether a preferred vendor list for the commissioning process and clerk of the
18 works is advisable.

19 (G) Environmental hazards and contaminants. The Working Group
20 shall make recommendations that approach environmental hazards and

1 contaminants in a comprehensive manner, incorporating existing programs into
2 the school construction aid program where possible.

3 (H) Pre-program construction aid. The Working Group shall
4 consider whether and to what extent State aid should be made available to
5 school districts that begin construction projects prior to the establishment or
6 renewal of a State school construction aid program.

7 (I) Current law. The Working Group shall review State statutes and
8 State Board of Education rules that concern or impact school construction and
9 make recommendations to the General Assembly for any amendments
10 necessary to align with the Working Group's proposed construction aid
11 program.

12 (J) Efficiencies. The Working Group shall identify areas where
13 economizations or efficiencies might be gained in the creation of the program,
14 including consideration of the following:

15 (i) a prequalification process for consultants with experience in the
16 planning, renovation, and construction of kindergarten through grade 12
17 schools; and

18 (ii) cost containment strategies such as the use of building
19 templates for new construction.

1 (K) Fiscal modeling. The Working Group shall align the proposed
2 construction aid program with fiscal modeling produced by the Joint Fiscal
3 Office.

4 (L) School Construction Planning Guide. The Working Group shall
5 review the Vermont School Construction Planning Guide and make
6 recommendations for any amendments necessary to align with the Working
7 Group’s proposed construction aid program.

8 (M) Additional considerations. The Working Group may consider
9 any other topic, factor, or issue that it deems relevant to its work and
10 recommendations.

11 (N) Population considerations. The Working Group shall consider
12 and make recommendations as to whether, and if so, how, the unique needs of
13 different populations shall be taken into account in developing a statewide
14 school construction aid program, including the following populations:

15 (i) elementary students;

16 (ii) high school students;

17 (iii) supervisory unions with low population density, as defined by
18 16 V.S.A. § 4010(b)(2); and

19 (iv) any other population the Working Group deems relevant to its
20 work and recommendations.

1 (2) The Working Group shall consult with the following entities in
2 developing its proposed plan to ensure all applicable areas of Vermont law and
3 federal funding opportunities are taken into consideration:

4 (A) the Agency of Education;

5 (B) the Agency of Natural Resources;

6 (C) the Department of Public Safety, Division of Fire Safety;

7 (D) the Natural Resources Board;

8 (E) the Agency of Commerce and Community Development,
9 Division for Historic Preservation;

10 (F) the U.S. Department of Education;

11 (G) U.S. Department of Agriculture, Rural Development;

12 (H) the Vermont School Boards Association;

13 (I) the Vermont Superintendents Association; and

14 (J) any other entity the Working Group deems relevant to its work.

15 (d) Assistance. The Working Group shall have the administrative,
16 technical, and legal assistance of the Agency of Education, the Office of
17 Legislative Counsel, the Joint Fiscal Office, and the Office of Legislative
18 Operations.

19 (e) Proposed legislation. On or before December 15, 2024, the Working
20 Group shall submit its findings and recommendations in the form of proposed
21 legislation to the General Assembly.

1 (f) Meetings.

2 (1) The Office of Legislative Counsel shall call the first meeting of the
3 Working Group to occur on or before August 1, 2024.

4 (2) The Working Group shall select co-chairs from among its members
5 at the first meeting, one a member of the House and the other a member from
6 the Senate.

7 (3) A majority of the membership shall constitute a quorum.

8 (4) The Working Group shall cease to exist on December 31, 2024.

9 (g) Compensation and reimbursement. For attendance at meetings during
10 adjournment of the General Assembly, members of the Study Committee shall
11 be entitled to per diem compensation and reimbursement of expenses pursuant
12 to 2 V.S.A. § 23 for not more than 10 meetings. These payments shall be
13 made from monies appropriated to the General Assembly.

14 Sec. 5. APPROPRIATION; STATE AID FOR SCHOOL CONSTRUCTION
15 WORKING GROUP

16 The sum of \$15,000.00 is appropriated from the General Fund to the
17 General Assembly in fiscal year 2025 for the purpose of funding travel by the
18 State Aid for School Construction Working Group pursuant to Sec. 4,
19 subsection (c) of this act and per diem compensation and reimbursement of
20 expenses pursuant to Sec. 4, subsection (g) of this act.

1 Sec. 6. EFFECTIVE DATE

2 This act shall take effect on July 1, 2024.