

1 Introduced by Committee on Education

2 Date:

3 Subject: Education; appropriations; school construction; environmental testing

4 Statement of purpose of bill as introduced: This bill proposes to establish the
5 School Construction Aid Task Force to examine, evaluate, and report on issues
6 relating to school construction aid. This bill also proposes, on or before
7 January 15, 2024, to require the Task Force to submit a written report with its
8 findings and recommendations for legislative action to the House Committees
9 on Corrections and Institutions, on Education, and on Ways and Means and the
10 Senate Committees on Education, on Finance, and on Institutions. The bill
11 also would pause testing of the indoor air quality of schools for
12 polychlorinated biphenyls until the report of the School Construction Aid Task
13 Force is submitted to the General Assembly and the General Assembly
14 approves further testing.

15 An act relating to school construction

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

17 Sec. 1. SCHOOL CONSTRUCTION AID TASK FORCE; REPORT

18 (a) Creation. There is created the School Construction Aid Task Force to
19 examine, evaluate, and report on issues relating to school construction aid.

1 (b) Membership. The Task Force shall be composed of the following
2 members:

3 (1) one current member of the House of Representatives, who shall be
4 appointed by the Speaker of the House;

5 (2) one current member of the Senate, who shall be appointed by the
6 Committee on Committees;

7 (3) the State Treasurer or designee, who shall serve as co-chair;

8 (4) the Secretary of Education or designee, who shall serve as co-chair;

9 (5) the Executive Director of the Vermont National Education
10 Association or designee;

11 (6) the Executive Director of the Vermont Principals' Association or
12 designee;

13 (7) the Executive Director of the Vermont School Boards Association or
14 designee;

15 (8) the Executive Director of the Vermont Superintendents Association
16 or designee;

17 (9) the Executive Director of the Municipal Bond Bank or designee;

18 (10) the President of the Vermont School Custodians and Maintenance
19 Association or designee;

20 (11) a person with expertise in historic preservation, appointed by the
21 Governor;

1 (12) a person with expertise in the construction industry specializing in
2 school facilities projects, appointed by the Governor;

3 (13) a member of the American Industrial Hygiene Association,
4 appointed by the Governor; and

5 (14) the State toxicologist from the Department of Health.

6 (c) Powers and duties. The Task Force shall review the results of the
7 statewide school facilities inventory and conditions assessment and the school
8 construction funding report required by 2021 Acts and Resolves No. 72 and
9 study the following issues relating to school construction aid:

10 (1) the needs, both programmatic and health and safety, of statewide
11 school construction projects;

12 (2) funding options for a statewide school construction program,
13 including any incentive plans;

14 (3) a governance structure for the oversight and management of a school
15 construction aid program;

16 (4) the appropriate state action level for response to polychlorinated
17 biphenyl contamination in a school;

18 (5) whether the State should continue to require the testing of indoor air
19 quality in schools for polychlorinated biphenyls; and

20 (6) criteria for prioritizing school construction funding.

21 (d) Assistance.

1 (1) The Task Force shall have the administrative, technical, and legal
2 assistance of the Agency of Education, the Department of Health, and the
3 Office of the State Treasurer.

4 (2) The Office of the State Treasurer is authorized to contract for
5 services for the Task Force for technical assistance from a school construction
6 expert.

7 (e) Report. On or before January 15, 2024, the Task Force shall submit a
8 written report to the House Committees on Corrections and Institutions, on
9 Education, and on Ways and Means and the Senate Committees on Education,
10 on Finance, and on Institutions with its findings and any recommendations for
11 legislative action, including a recommendation on how the State should expend
12 the funding in the Education Fund reserved for future school construction.

13 (f) Meetings.

14 (1) The State Treasurer shall call the first meeting of the Task Force to
15 occur on or before July 15, 2023.

16 (2) A majority of the membership shall constitute a quorum.

17 (3) The Task Force shall cease to exist on July 1, 2024.

18 (g) Compensation and reimbursement.

19 (1) For attendance at meetings during adjournment of the General
20 Assembly, a legislative member of the Task Force serving in the member's
21 capacity as a legislator shall be entitled to per diem compensation and

1 reimbursement of expenses pursuant to 2 V.S.A. § 23 for not more than 10
2 meetings. These payments shall be made from monies appropriated to the
3 General Assembly.

4 (2) Other members of the Task Force shall be entitled to per diem
5 compensation and reimbursement of expenses as permitted under 32 V.S.A.
6 § 1010 for not more than 10 meetings. These payments shall be made from
7 monies appropriated to the Office of the State Treasurer.

8 (h) Appropriation. The sum of \$200,000.00 is appropriated to the Office of
9 the State Treasurer from the General Fund in fiscal year 2024 to hire a school
10 construction expert to assist the Task Force as described in subdivision (d)(2)
11 of this section.

12 **Sec. 2. TESTING PAUSE; POLYCHLORINATED BIPHENYLS IN**
13 **SCHOOLS**

14 (a) PCB testing of schools.

15 (1) Notwithstanding the requirements and authority under 2021 Acts and
16 Resolves No. 74, Sec. E.709.1 for the Agency of Natural Resources (ANR) to
17 test the indoor air quality of schools for polychlorinated biphenyls (PCBs),
18 ANR shall not initiate testing for PCBs at any school in the State after the
19 effective date of this act until the report of the School Construction Aid Task
20 Force required by Sec. 1 of this act has been submitted to the General

1 Assembly and the General Assembly approves further testing for PCBs in
2 schools.

3 (2) If ANR has initiated on-site testing for PCBs in indoor air quality of
4 a school prior to the effective date of this act, the Agency shall complete the
5 testing. If testing of a school initiated prior to the effective date of this act
6 indicates the need for remediation or removal of PCBs in the school, the school
7 may seek a grant under subsection (c) of this section for the costs of
8 remediation or removal. If ANR has only approved a workplan or cost
9 estimate to conduct an inventory or testing at a school but no on-site testing
10 has been conducted, ANR shall not conduct on-site testing at that school under
11 the authority set forth in this subdivision .

12 (3) At the end of fiscal year 2023, any funds remaining from the
13 appropriation to the Agency of Natural Resources in 2021 Acts and Resolves
14 No. 74, Sec. E.709.1 for PCB testing of schools shall revert to the Education
15 Fund to be held in reserve for future school construction needs as
16 recommended by the School Construction Aid Task Force established under
17 Sec. 1 of this act.

18 (4) Pursuant to the nonappropriations clause in the standard terms and
19 conditions of State contracts required by Administrative Bulletin 3.5, ANR
20 shall at the end of fiscal year 2023 cancel any contracted services for PCB

1 testing of indoor air quality of schools scheduled to be initiated after the
2 effective date of this act.

3 (b) Education Fund; PCB appropriations. Notwithstanding 2022 Acts and
4 Resolves No. No. 178, Sec. 2(b):

5 (1) the funds reserved within the Education Fund for purposes of
6 investigation, remediation, and removal of PCBs from schools are unreserved;
7 and

8 (2) the unexpended or unobligated amount of the \$2,500,000.00
9 transferred by the Emergency Board to the Agency of Education shall revert to
10 the Education Fund for further allocation.

11 (c) Agency of Education; PCB remediation and removal reimbursement.

12 (1) Notwithstanding 16 V.S.A. § 4025(d), \$29,500,000.00 and the
13 unexpended funds identified under subdivision (b)(2) of this section shall be
14 appropriated from the Education Fund to the Agency of Education in fiscal
15 year 2024 for one or more of the following purposes:

16 (A) Grants to schools in the State that are required after ANR testing
17 of PCBs to conduct remediation or removal of PCB contamination in the
18 school. The grants shall be in an amount sufficient to pay for 100 percent of
19 the school's remediation or removal costs, including the costs incurred when
20 necessary under State or federal law to relocate students to a facility during
21 remediation or removal activities.

1 (B) Grants to schools in the State that conducted remediation or
2 removal of PCB testing in the school after ANR testing and that only received
3 80 percent of the costs of remediation or removal from the Agency of Natural
4 Resources. The grants shall be in an amount that will reimburse the school for
5 any remediation or removal costs not paid by the Agency of Natural
6 Resources.

7 (C) A grant of up to \$16,000,000.00 to the Burlington School District
8 to reimburse the school district for the costs of demolition and removal of PCB
9 contamination at Burlington High School.

10 (2) The Secretary of Education, after consultation with the Vermont
11 School Boards Association, the Vermont Superintendents Association, the
12 Vermont School Custodian and Maintenance Association, and other
13 stakeholders, shall develop criteria for the costs of remediation and removal of
14 PCB contamination that will be eligible for a grant under subdivisions (1)(A)
15 and (B) of this subsection.

16 Sec. 3. EFFECTIVE DATE

17 This act shall take effect on passage.