

1 Introduced by House Committee on Education

2 Date:

3 Subject: Education; school construction; facilities; grant program; PCBs

4 Statement of purpose of bill as introduced: This bill proposes to:

5 (1) create the Facilities Master Plan Grant Program to support
6 supervisory unions and independent career and technical education districts to
7 support the development of a master plan that complies with State construction
8 aid requirements;

9 (2) require the Department of Buildings and General Services to
10 establish a list of prequalified architecture and engineering consultants;

11 (3) create the State Aid for School Construction Working Group to
12 study and design a plan for a statewide school construction aid program;

13 (4) require the Joint Fiscal Office to model stable perpetual revenue
14 sources to fund a statewide school construction aid program; and

15 (5) pause PCB testing **in schools**.

16 An act relating to the development of an updated State aid to school
17 construction program

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

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

20 § 3441. FACILITIES MASTER PLAN GRANT PROGRAM

1 (a) There is established the Facilities Master Plan Grant Program to be
2 administered by the Agency of Education from funds appropriated for this
3 purpose to supervisory unions and independent career and technical education
4 districts to support the development of facilities master plans. Grant funds
5 may be used to hire a consultant to assist in the development of the master plan
6 with the goal of developing a final master plan that complies with State
7 construction aid requirements. Grants shall be issued on an annual basis for a
8 maximum of five consecutive years.

9 (b) The Agency shall develop standards for the disbursement of grant funds
10 in accordance with the following:

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

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

1 (3) Grants shall include a funding match from other sources, including
2 grants from businesses, foundations, or other federal or local funding, in an
3 amount equal to [decision point—flat rate or tiered based on need]

4 (4) The Agency shall develop minimum requirements for master plan
5 content.

6 (c) Annually on or before December 31, the Agency shall submit to the
7 House and Senate Committees on Education a written report with information
8 on the implementation of the grant program created in this section.

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

10 16 V.S.A. § 3441 (Facilities Master Plan Grant Program) as added by this
11 act is repealed on June 30, 2029.

12 Sec. 3. PREQUALIFIED ARCHITECTURE AND ENGINEERING

13 CONSULTANTS

14 On or before October 15, 2024, the Department of Buildings and General
15 Services shall finalize a list of prequalified architecture and engineering
16 consultants with expertise in kindergarten through grade 12 facilities master
17 planning. The final list may include prequalified consultants from outside
18 Vermont.

1 Sec. 4. STATE AID FOR SCHOOL CONSTRUCTION WORKING GROUP;
2 REPORT

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

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

8 (1) the Secretary of Education or designee;

9 (2) the Agency of Education School Facilities Program Manager;

10 (3) the Executive Director of the Vermont Bond Bank or designee;

11 (4) the Department of Buildings and General Services Director of the

12 Design and Construction Division;

13 (5) a school district director of facilities with a degree and experience in
14 architecture or engineering, appointed by the Secretary of Education;

15 (6) a member of the **University of Vermont Center for Rural Studies,**

16 appointed by the Secretary of Education; and

17 (7) a previous member of the School Construction Team, appointed by
18 the Secretary of Education.

19 (c) Powers and duties.

20 (1) The Working Group shall study and create a recommended plan for
21 a statewide school construction aid program. The Working Group shall:

1 (A) build from the recommendations contained in the report of the
2 School Construction Aid Task Force, created in 2023 Acts and Resolves No.
3 78, Sec. E.131.1, as well as any additional priorities identified by the General
4 Assembly;

5 (B) review State statutes and State Board of Education rules that
6 concern or impact school construction and make recommendations to the
7 General Assembly for any amendments necessary to align with the Working
8 Group’s proposed construction aid program;

9 (C) identify areas where economizations or efficiencies might be
10 gained, including consideration of the following:

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

14 (ii) cost containment strategies such as the use of building
15 templates for new construction;

16 (D) align the proposed construction aid program with fiscal modeling
17 produced by the Joint Fiscal Office; and

18 (E) review the Vermont School Construction Planning Guide and
19 make recommendations for any amendments necessary to align with the
20 Working Group’s proposed construction aid program.

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 are
3 taken into consideration:

4 (A) the Agency of Natural Resources;

5 (B) the Department of Public Safety, Division of Fire Safety;

6 (C) the Natural Resources Board;

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

9 (E) any other entity the Working Group deems relevant to its work.

10 (d) Assistance. The Working Group shall have the administrative,
11 technical, and legal assistance of the Agency of Education.

12 (e) Report. On or before January 15, 2025, the Working Group shall
13 submit a written report to House and Senate Committees on Education with its
14 proposed plan for a statewide school construction aid program and any
15 recommendations for legislative action.

16 (f) Meetings.

17 (1) The Secretary of Education or designee shall call the first meeting of
18 the Working Group to occur on or before July 15, 2024.

19 (2) The Working Group shall select a chair from among its members at
20 the first meeting.

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

1 (4) The Working Group shall cease to exist on May 15, 2025.

2 (g) Compensation and reimbursement. Members of the Working Group
3 who are not employees of the State of Vermont and who are not otherwise
4 compensated or reimbursed for their attendance shall be entitled to per diem
5 compensation and reimbursement of expenses pursuant to 32 V.S.A. § 1010
6 for not more than 10 meetings. These payments shall be made from monies
7 appropriated to the Agency of Education.

8 **Sec. 5. REVENUE SOURCES**

9 The Joint Fiscal Office shall model potential sources of funding to
10 sustainably support a school construction aid program. Modeling shall be
11 performed at the direction of the chairs of the House Committee of Ways and
12 Means, the House Committee on Appropriations, the Senate Committee on
13 Finance, and the Senate Committee on Appropriations, and in consultation
14 with the chairs of the House and Senate Committees on Education.

15 **Sec. 6. PCB TESTING PAUSE**

16 In order to better incorporate polychlorinated biphenyls (PCBs) testing into
17 long- range school construction planning, testing for PCBs in schools shall
18 cease according to the following terms:

19 (1) Notwithstanding the requirements and authority under 2021 Acts and
20 Resolves No. 74, Sec. E.709.1 for the Agency of Natural Resources (ANR) to

1 test the indoor air quality of schools for PCBs, ANR shall not initiate testing
2 for PCBs at any school in the State after the effective date of this act.

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 2024, 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.

16 (4) Pursuant to the nonappropriations clause in the standard terms and
17 conditions of State contracts required by Administrative Bulletin 3.5, ANR
18 shall, at the end of fiscal year 2024, cancel any contracted services for PCB
19 testing of indoor air quality of schools scheduled to be initiated after the
20 effective date of this act.

21 Sec. 7. EFFECTIVE DATE

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