

Vermont Legislative Joint Fiscal Office

One Baldwin Street • Montpelier, VT 05633-5701 • (802) 828-2295 • Fax: (802) 828-2483

FISCAL NOTE

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Prepared by: Mark Perrault

Act 72 (H.426) - An act relating to addressing the needs and conditions of public school facilities in the State as passed by the General Assembly

<https://legislature.vermont.gov/Documents/2022/Docs/ACTS/ACT072/ACT072%20As%20Enacted.pdf>

Sec. 2 – Requires the Secretary of Education to update the state’s school construction facilities standards and the capital outlay financing formula. Authorizes the State Board of Education to use not more than \$100,000 of the amount appropriated in Section 3(d) of this bill to hire a consultant to provide technical assistance.

Sec. 3 – Requires the Secretary of Education to contract with an independent third party to conduct a school facilities inventory and a school facilities conditions assessment on or before September 1, 2021. The inventory must be completed by January 15, 2022 and the assessment must be completed on or before October 1, 2022.

Authorizes the use of not more than \$2.5 million of the amount allocated to the Agency of Education (AOE) from the Elementary and Secondary School Emergency Relief Fund (ESSER Fund) pursuant to section 2001(c) of the American Rescue Plan Act of 2021 for this purpose.

Sec. 7 – Creates one limited-service position funded through January 15, 2023 in the Agency of Education by using an existing position in the position pool. Authorizes AOE to use not more than \$127,500 from the ESSER Fund pursuant to Section 313(e) of the Consolidated Appropriations Act of 2001 for this purpose.

Sec. 8 – Requires a school or supervisory union board to publicly advertise for bids for items or services when the cost exceeds \$40,000. Under current law, boards must publicly advertise for bids when the cost exceeds \$15,000.

Sec. 9 – Provides that AOE shall contract with an independent third-party to assist any school district using funds allocated to it from the ESSER Fund pursuant to section 2001(d) of the

American Rescue Plan Act of 2001 or other federal sources to improve the overall health and safety of any of the district's school facilities as a result of the pandemic.

Authorizes AOE to allocate not more than \$500,000 of the amount allocated to AOE from the ESSER Fund pursuant to section 2001(c) of the American Relief Plan Act of 2001 for school districts to plan and implement health and safety improvements.

In addition, provides that AOE shall reserve not more than \$1 million from the amount allocated to AOE from the ESSER Fund pursuant to section 2001(c) of the American Rescue Plan Act of 2001 to school districts that have used all of the funds allocated to them from the ESSER Fund pursuant to section 2001(d) of the American Rescue Plan Act of 2001 and need additional funding to plan and improve the overall health and safety of their facilities.

Sec. 11 – Establishes the Renewable and Efficiency Heating System Grant Program to award grants for renewable and efficient heating systems in approved independent and public schools. This provision is current unfunded.

Sec. 12 – Requires public and approved independent schools to perform a radon measurement in accordance with ANSI/AARST protocol on any facility that has not had a test completed in five or more years. Provides that any public or approved independent schools that is engaged in implementing an indoor air quality improvement projects prior to June 30, 2023 shall perform a radon measurement on or before June 30, 2024. The estimated cost of testing all school districts is about \$1.5 million – see the analysis below. This is an unfunded mandate on school districts.

Radon Testing Mandate in H.437 as passed by Senate

				Schools	
				Public and Independent	Public Only
Labor	<u>Schools</u>	<u>Labor/hour</u>	<u>Hours</u>		
	450	\$95	15	\$641,000	
	320	\$95	15		\$456,000
Kits	<u>Schools</u>	<u>Cost/kit</u>			
	450	\$1,080		\$486,000	
	320	\$1,080			\$346,000
Monitors	<u>Schools</u>	<u>Cost/monitors</u>			
	450	\$350		\$158,000	
	320	\$350			\$112,000
		<u>Labor/hour</u>	<u>Hours</u>		
		\$95	450	\$43,000	
		\$95	320		\$30,000
Other costs					
Communications staff				\$40,000	\$0
Radon program staff				\$130,000	\$0
IT portal				\$50,000	\$0
Total cost				\$1,500,000	\$ 900,000
Average cost per school every five years				\$3,300	\$2,800
Less cost for schools already tested					