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ABSTRACT

This report addresses the adequacy and availability of the state of Vermont's assistance for K-12 school construction and the issues that are creating state legislative concern. Issues examined are (1) the annual state obligation for school construction expenditures exceeding the amount of capital bill funding projected to be available for this use; (2) the current state law's reimbursement levels at a fixed 30 percent of allowable costs which has caused some towns to express concerns over funding adequacy; (3) the opportunities and issues created for Vermont from the national trends in federal funding and equity related court cases; and (4) the lack of readily available sources for funds for long-term school construction needs. Appendices contain the capital outlay financing formula, the system for rating proposed school construction projects, the annual appropriations for school construction, the amount bonded annually for school construction, and statistics on the equalized pupils sorted by growth rate. (GR)

SCHOOL CONSTRUCTION REPORT

Prepared in Accordance with:
Act 152, Sec. 160a of the 2000
Legislative Session
January 15, 2001

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I. Executive Summary

The adequacy and availability of state assistance for K-12 school construction remains an area of continuing concern for the Legislature, even with statutory revisions in Act 29 of 1999 which created a school construction funding priority system. The concern grows out of several issues:

- **The annual state obligation for school construction expenditures exceeds the amount of capital bill funding that is projected to be available for this use**. Long-term school construction was anticipated to cost $10 million in state funds annually. This was to be from the state's annual capital appropriation.[1] Actual spending has been close to $17 million a year as Vermont has had to absorb some pent-up demand from years where no school construction aid was authorized. Based on current information, long-term projections indicate that annual expenditures of $12 - $15 million are likely, possibly creating a shortfall in resources. While a prioritization system adopted in 1998 would ensure that funds were paid based on availability, an accumulation of approved and unfunded projects could occur. The continued demand for school construction funding in an environment of falling student counts may be due to several factors including:

    - The regional nature of the student population decline. Some areas are still experiencing rapid growth.
    - Continuing energy and technology-related needs and attention to environmental factors such as indoor air quality.
    - Change and evolution in educational programs and delivery. These include expansion of full-day kindergarten and preschool programs, specialized small group programs such as Reading Recovery, and more space accommodations necessary to adequately serve an array of special education needs.
    - The aging of Vermont's school buildings overall.

- **Current state law reimburses a fixed 30% of allowable costs. Some towns express concerns over adequacy of funding**. There are two key factors which create inequalities in need for funds and create adequacy issues:

    - Uneven population shifts: Vermont's school-age population is declining over all; however, in several school districts, student counts are increasing at rates of 2-5% or more a year.
    - Variance in building conditions: the current condition of school buildings varies by community and remains difficult to assess. Generally, Vermont has older school buildings. However, unlike a growing number of states, we have no benchmark study of building condition or a process of regular school building condition surveys to allow a more accurate sense of varying need.

[1] In January 1996, The Report of the Joint Committee on School Construction indicated a projection of $9 million per year adjusted each year for inflation as a projected cost which would be $10 million in FY 2001.

- **National trends create opportunities and issues for Vermont; federal funds and equity related court cases.** For FY 2001, Congress approved a new school construction grant program; Vermont is estimated to receive $5,483,750 in federal school renovation grants; however, the particular uses that can be made of this money are yet undetermined.[2] Nationally, states have been increasingly addressing school construction through a number of budgetary and other initiatives. In part, this increased state action is a result of a growing number of court cases which raise issues of equity in the school construction context. With Act 60 in place, these legal challenges would not be likely in Vermont, but might arise, depending on changes which are made in school construction financing.

- **There is no readily available source of funds for long-term school construction needs.** Additional sources of funding beyond an assumed $10 million capital bill contribution are limited. Anticipated technical center costs will exacerbate the demand for resources. In the short term, the current legislative practice of allowing unanticipated surpluses to be used for school construction will provide a cushion that will offer time to better assess out-year needs and provide time to explore long-term funding options. Federal funds may provide some relief; however, by FY 2004, there is likely to be a need to develop funding options.

II. Statutory Charge

Act No. 152, Sec. 160a of the Acts of 2000

Sec. 160a. SCHOOL CONSTRUCTION STUDY

(a) The legislative joint fiscal office and the department of finance and management, with the assistance of the department of education, the school board association and the superintendents association, shall carry out a study to identify the need and recommend strategies to meet the need for affordable long-term financing of school construction projects. Specifically, the study shall:

(1) Identify whether and to what extent the short-term and long-term demand for school construction funding exceeds the current $10 million commitment of funding from the state's capital bill.

(2) Identify ongoing revenues or funding sources which could be utilized to meet any estimates of demand.

(3) Review the existing system of prioritizing and approving school construction projects as to the financial implications these have.

(b) The study findings shall be reported by January 15, 2001 to the legislative committees on appropriations, education, finance, and ways and means, and the secretary of administration.

[2] The statutory language allows up to 25% of these funds to be used for special education-related costs; however, at this point, the specific allowable uses are uncertain.

III. Findings and Recommendations

1. ***Financial equity***: The current school construction financing system is built on the equalized financing system of Act 60. Nationally, there is an increasing number of court cases based on equity considerations in school construction finance. Modifications to the current system should be done in a manner that preserves sufficient financial equity to avoid court challenge.
2. ***State funding outlook***: Due to the $29 million set aside from FY 2000 surplus revenues, there is no immediate problem of financing for school construction. The resources set aside should be sufficient for existing school construction commitments through FY 2002 and into FY 2003. In the long term, the estimated demand based on current law of $12 - $15 million may exceed current resources, placing pressure on the capital bill and other potential sources of financing. Federal funds that have been made available during FFY 2001 could possibly be used to address problems of districts with strong student count growth and rapidly deteriorating schools discussed below. If these funds are ongoing, they may provide a solution to some of the out-year need.
3. ***The statutory priority system***: Due to the availability of funds, the statutory system of priorities established in 1996 has yet to be used, and is therefore difficult to evaluate. We do recommend below that a facilities study be carried out which would provide a basis for examining the existing priority approach.
4. ***Fast growing districts***: While Vermont's school-age population is declining overall, in about 15% of Vermont's school districts, student counts are increasing. Additional funding to meet these atypical demands should be explored. This could take the form of percentage increases of aid based on school population growth rates.
5. ***School facilities conditions***: The conditions of Vermont's schools vary by district. Department of Education surveys indicate that increasing numbers of schools are operating beyond their useful life; however, there is no systematic analysis of their condition. A number of states have conducted facility surveys to: better understand future demand; identify areas that need additional funding; and to develop appropriate prioritization for existing funding. Vermont should carry out such a facilities survey. We recommend that the Department of Education be provided with funds from existing dedicated surpluses to develop a proposal for a statewide facility survey process that could be completed and available prior to the FY 2004 budget when existing surplus funds are no longer available.
6. ***Technical education centers***: While this report focuses on K-12 school construction needs, state-funded technical centers represent another area of fiscal concern. Current conditions of these technical centers are such that there will be a need for substantial investments in the coming years. Vermont's technical education system is being examined in another study. At some point, capital resource planning will require that these two education finance needs be coordinated.

1. School Construction Funding in Vermont: How Funding Works

A. Local School Construction Cost: based on equalized funding

The current funding system for school construction provides an absolute tax rate equality for additional spending. All towns will see equal tax increases due to decisions to spend equal additional amounts on a per pupil basis. The local share of school construction expenditures is paid for with property tax revenues using the equalized funding of the Vermont education finance system as its base. A local capital project and its capital construction costs would increase a district's overall budgeted expenditures, translating into an increase in dollars spent over the general state support grant. This increased "above block" spending would come from local share taxes. As per pupil spending increases, a district's local share tax liability increases. If the school district is a receiving town, the town would export some of the cost to the statewide grand list. If the district is a sharing town, the leveraging effect of the sharing pool continues to work, requiring the district to raise more tax dollars than the debt actually requires.

B. State Share: 30% of allowable costs

Current state law, Title 16 § 3448 (a),(7) and (8) provides for an award of construction aid of 30% of the approved eligible cost of the project, to be paid in two essentially equal installments at the project beginning and completion, if sufficient funds have been appropriated. School districts normally bond for the remaining amount. All approved projects receive the same 30% allocation.[3]

Allowable costs are set and revised by the Board of Education. They include maximum square footage allowances and other limitations on the nature and size of construction. Covered expenses include actual building costs, site development, infrastructure, and fixed equipment. Land acquisition, furniture, computer hardware, or maintenance are not covered. (See Appendix A: Capital Outlay Formula.) Projects must meet "need" criteria defined in the statutes.

Voter approval is required for funding. The statutes require that voters must have approved the cost of the project to be eligible for aid.

C. Funding Prioritization: Where dollars are insufficient to cover need

In the event that the state appropriation for funding the 30% state share is insufficient to cover the total project need, allocation of state dollars is based on statutorily set priorities. As the prioritization of major renovations, additions, and new schools is only relevant when the appropriation is insufficient to meet demand of approved projects, this has not been an issue in the past several years. These priorities are:

1. Emergencies in excess of $50,000

2. Projects in excess of $10,000 which do not expand capacity or make substantial additions/renovations but which extend the useful life of a building and/or address a need occasioned by deterioration of an existing building.

[3] The state pays 100% of capital construction costs for regional tech centers. Current estimates of demand have resulted in tech center finance being a related area of study which will likely be before the legislature this session.

3. Remaining projects: Voter-approved projects ranked annually based on the relative degree of need as defined in statute. This category includes additions, renovations, and new school buildings.

The State Board of Education has adopted a "System for Rating Proposed School Construction Projects" (See Appendix B). The rating system assigns points in component categories and is weighted toward students without facilities.

2. School Construction in Vermont: Current Trends in Funding

A. School Construction Funding Demand

Basic state assistance for school construction is and has been 30% of voter-approved eligible project cost. From July 1, 1993 until March 1996 state aid could be 50% for multischool district projects and 40% for multischool projects.[4] State obligations for school construction are, in part difficult to project due to a changing statutory environment over the past few years.

Accurate projections are also hampered by the lack of knowledge about building conditions and the changing educational needs that physical space must meet.

The Department of Education does annual surveys of districts as to demand for projects and the amount which will be presented for voter approval. Consistently, however, the dollar value of voter-approved projects has tended to be about 45% of the dollar value overall submitted for approval. Projects that are not approved often roll forward and are approved in subsequent votes on modified proposals. The existence of this difference between requested projects and approved projects is important. Changes in school construction state aid availability could trigger higher levels of approved projects, tapping into some of this latent demand. In part, this is what occurred due to the one-year funding moratorium in 1995/6.

As school construction finance decisions impact local obligations for 5-20-year periods, state changes in funding systems can have long-term implications for equity among districts.

B. Historical Trends in Vermont State Spending

1. Actual State Outlays

Actual state outlays from 1993 to 1996 were around $10 million annually. From March 1996 to July 1997, there was a moratorium on state assistance for school construction to give the legislature an opportunity to review the funding formula (Act No. 185 of 1995). The imposition of the moratorium resulted in a rush of project approvals just prior to its effective date and another increase of approvals once it was lifted. Fiscal year outlays of 1997 and beyond have been higher due to the project demand that resulted from the moratorium. This changing playing field increases the difficulty in drawing an estimate of future demand. (See Table 1 below.)

[4] 16 V.S.A. § 3448 (c) added by Act 59 of 1993, Sec. 25a, and repealed in Act No. 185 of 1995

Current estimates for FY 2001 and FY 2002 indicate a decline in annual outlays due to a normalization of demand.

Table 1: Actual State Outlays by Fiscal Year

Fiscal Year	Total State Outlays
2002 Est.	$12,000,000
2001 Est.	$16,473,148
2000	$18,200,480
1999	$16,889,799
1998	$18,650,799
1997	$15,209,752
1996	$ 8,687,595
1995	$10,000,000
1994	$10,585,615
1993	$10,511,418

2. Actual Appropriations

In 1994 and 1995, base state construction aid was $10.3 million a year. Subsequent to the moratorium, annual appropriations rose substantially to meet the pent-up demand and moratorium-induced spending needs. For 1996-1999 appropriations, which are reported below, averaged $15 million. In FY 1999 and FY 2000, the legislature designated surplus funds which provided an additional $40 million reserve for school construction needs for the coming years of which $29 million remains unallocated at this time. (See Table 2 below for annual appropriations from 1993-2000 and Appendix C and D for Charts.)

Table 2: Actual Appropriations by Source

Fiscal Year	Total Appropriation	Capital Bill	By Source		
			Ed. Fund	General Fund	GF Surplus
2001 Est.	$ 9,000,000	9,000,000			
2000	$16,324,513	6,324,513	7,000,000	3,000,000	29,060,000
1999	$27,855,000	9,725,000	7,000,000		11,130,000
1998	$ 7,257,855	7,257,855			
1997	$16,818,762	16,818,762			
1996	$19,000,000	19,000,000			
1995	$9,518,428	9,518,428			
1994	$9,395,456	9,395,456			
1993	$7,918,000	7,918,000			

C. The Nature of Projects Funded in Past Three Years

Excluding emergency, infrastructure and energy projects, from August 1997 to July 2000, 19 major projects for a total estimated cost of $79.7 million went to the state board. Average project cost was $4.2 million, resulting in an average state share of $1.26 million. During this three-year period, all but three of the projects involved additions and renovations only. The largest of these additions and renovations were Union 32 Jr./Sr. High for $12.14 million; Essex Town Middle School for $5.57 million; Morristown/Peoples Academy for $4.56 million; Bellows Falls Academy of Fairfax for $4.41 million; and Montpelier High at $4.2 million.

Only three projects were for new schools and all represented mergers of existing facilities. These were: Rivendell Interstate, for $14.18 million; Randolph Elementary, for $6.25 million (aid at 40%); and Mettawee Community school for $4.17 million (aid at 50%). These last two came in under the pre-moratorium financing formulas.

Over the three-year period, Vermont's percentage spent on new schools was 31% with additions and renovations representing the other 69%. This differs significantly from national trends. Nationwide, new schools represent 40-43% over the same period. Vermont's older school stock and the declining population of students are factors in this difference. Much of the national school construction is occurring in areas where student increases are necessitating the construction of new schools.[5]

D. Current Estimates for School Construction Funding Needs

The Department of Education has school construction aid program estimates through FY 2006. The estimates are based on data submitted by districts for FY 2002 as to project demand and departmental estimate of likely successful votes. A 5% inflation forecast is used for construction costs beyond that. Accurate projections are hampered by the lack of knowledge about building conditions and the changing educational needs that physical space must meet. Cash needs and subsequently projections are also impacted by the timing of voter approval and project activity. The difference between anticipated needs and the likely state obligation creates a sense of latent demand in the system. That is, anticipated needs are projects that are perceived to be necessary but are not approved by the voters. If additional state aid is offered, it is very likely that a greater percentage of these "perceived need" projects would be approved. The estimates for the coming three fiscal years are:

Table 3: School Construction Funding Needs Estimates

	(State share of anticipated need before votes)	State obligation estimate
FY 02	———	$12,070,843
FY 03	$29,634,762	$12,674,385
FY 04	$31,515,162	$13,308,104

The estimates are far above the $10 million annual allocation for this purpose which was assumed to be sufficient. They are below FY 00 and FY 01, years in which past school construction obligations were inflating annual program costs. These trends are discussed further in the section below.

[5] School Planning and Management 2000 Construction report.

3. School Construction Issues and Impacts on Future Funding

This study originated from a concern over meeting the need for affordable long-term financing of school construction projects. Specifically, the study was to identify whether and to what extent the short-term and long-term demand for school construction funding exceeds the current $10 million commitment of funding from the state's capital bill. As discussed above, the $10 million commitment falls below current estimates of future school construction funding needs based on existing school construction state aid. Given the population characteristics, and the age of Vermont's school facilities, there is a question whether current aid levels fall short of addressing demand realities in local school districts. This section explores issues of district variance including population change, facility conditions and tax effort, and reviews some other states' activities related to them.

A. Population Shifts

Vermont student populations have been declining for the past few years. From FY 2000 to FY 2002, Vermont has had an average annual decline of 0.8%. This trend is likely to continue. This decline is in sharp contrast to national trends which show an increase in K-12 student populations, especially in the south and west.

While Vermont's K-12 population is declining overall, within these aggregate numbers, 15% of the districts are seeing annualized increases of over 2% with the growth of the top 14 districts varying from an annualized 4% to 11%. These fast growing districts include areas such as Grand Isle County with Alburg growing at 5.5% and average growth of 3%, Williston at 4.6% and Duxbury at 4.2%. (See chart on the next page for growth rates higher than 2.5% and attached Appendix E for entire chart.)

Table 4: Equalized Pupils sorted by Growth Rates

District	County	SU	FY2000	FY2001	FY2002 - Preliminary	Average Annual Change	
State Total			**105,060**	**104,149**	**103,306**	**(877)**	**-0.8%**
Baltimore	Windsor	53	32	35	40	4	11.1%
Mt. Tabor	Rutland	06	31	30	37	3	11.0%
Pittsfield	Rutland	50	52	54	61	4	8.2%
Coventry	Orleans	31	198	199	227	14	7.3%
Victory	Essex	18	7	8	8	.5	6.3%
Alburg	Grand Isle	24	301	318	334	17	5.5%
Searsburg	Bennington	49	19	21	21	1	5.0%
Stratton	Windham	46	29	30	31	1	5.0%
Morgan	Orleans	31	115	124	126	6	4.9%
Williston	Chittenden	14	1,210	1,275	1,322	56	4.6%
West Fairlee	Orange	62	109	113	119	5	4.4%
Duxbury	Washington	42	190	190	207	8	4.3%
Isle La Motte	Grand Isle	24	76	79	82	3	4.2%
Pomfret	Windsor	51	169	174	183	7	4.2%
Ferrisburgh	Addison	02	369	368	398	14	3.9%
Walden	Caledonia	09	161	169	172	6	3.6%
Pawlet	Rutland	06	244	250	261	9	3.6%
Fairfax	Franklin	22	721	742	771	25	3.5%
Warren	Washington	42	280	290	298	9	3.2%
Holland	Orleans	31	133	141	141	4	3.0%
Waltham	Addison	02	99	101	105	3	2.9%
Winhall	Bennington	46	95	100	101	3	2.9%
Ripton	Addison	03	100	103	106	3	2.7%
Fayston	Washington	42	174	177	183	5	2.7%
North Hero	Grand Isle	24	119	123	126	3	2.7%
Cavendish	Windsor	53	202	204	213	5	2.6%
Putney	Windham	48	337	340	355	9	2.6%
Hinesburg	Chittenden	14	820	837	861	21	2.5%
Norton	Essex	19	22	23	23	1	2.5%
Lincoln	Addison	01	204	208	214	5	2.5%
North Bennington ID	Bennington	05	320	330	336	8	2.5%
Richmond	Chittenden	12	783	798	822	19	2.5%
Proctor	Rutland	37	334	335	351	8	2.5%

Prior to the current equalized funding system in some towns, student count growth could be accompanied by an increased nonresidential or nonhomestead tax base, enabling a town to defray some of the added costs. With the fixed block grant and the local above-block spending obligation of Vermont's education finance system, where a town's per pupil spending exceeds the block grant, new students are more likely to result in a local tax increase as nonresidential, nonhomestead grand list growth is shared statewide. New students bring with them a block grant which is below the statewide average spending per pupil. For this reason, even before new

school construction, towns that prior to Act 60 had nonhomestead grand list growth accompanying student growth will find that added students place a higher burden on local school budgets than before - a burden that is equal among all towns.

B. Facility Conditions

Vermont has no regular overall school facility survey; something which is increasingly part of other states' efforts to address school construction nationally.[6] The need for such a plan was referenced in Sec. 63 (a) (4) of Act 62 of 1995, which called on a joint legislative committee to include in a study of school construction a "presentation of a five to ten-year plan based on legislative priorities...." Generally, the Department of Education indicates that many union high schools were built in the late 60s, with nonrenovated building life cycles of 20-25 years. These facilities are reaching the end of their useful life and have major issues with energy efficiency, adequacy for new technologies, and educational needs. Roof replacements account for probably 70% of the annual allowance for emergencies and infrastructure, over $1 million a year. This is an indicator of the building condition deterioration. It also raises questions of resource allocation in that state assistance is not offered for repair, and this may create a predilection for replacement. This deteriorating building condition tracks national school characteristics. In March 2000, the U.S. General Accounting Office issued a report citing a U.S. Department of Education determination that, in 1998, the average school building was 42 years old.[7] With the advent of Act 60, a system based on equalized education finance, the condition of school buildings when the funding system went into place creates an inequity between districts that had differing building conditions. A process of regular school building facility assessment would provide better information to forecast future costs and identify inequalities in building conditions.

4. The National Context: Federal and State Responses and Equity Court Cases

School construction funding is becoming an area of intense national concern. The March 2000 GAO Study on School Construction indicated that from 1990 to 1997, annual school construction expenditures grew 39%. The GAO study attributed this trend to "higher enrollments, a strong economy, and an increasing need to replace old buildings."[8] The GAO reports that average annual construction expenditures varied from a high in Nevada of $934 per student to a low in Connecticut of $37 per student. Vermont is reported at $449 per student; however, this data is likely skewed by the higher 1997 reported number due to post-moratorium spending which occurred in 1997.

This upsurge in school construction need has led to several developments. In this section we will look at: the beginning of federal grants for school construction in the FY 2001 budget, state

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[6] Ohio, Maine, Maryland and New Hampshire are among the states that have recently implemented regular facility review processes. In most cases, these involve statewide coordination and some local involvement and cost sharing. Maryland has added school construction funding for schools that have "aging facilities" based on the school facilities analysis.

[7] GAO/HEHS-00-41 School Construction Expenditures, March 3, 2000 transmittal letter.

[8] GAO/HEHS-00-41 Study "Results in Brief," p. 4.

responses to school construction needs, and the series of court cases surrounding equity issues in school construction.

A. FFY 2001 Federal Funding

For the first time, in FFY 2001, Congress appropriated $1.2 billion for emergency repairs, such as repair of roofs, plumbing and electrical systems, meeting fire and safety codes, as well as funding for special education services, technology-related construction activities, and support for a new charter school facility financing pilot. This new program was funded for $1.2 billion. Initial estimates of Vermont's share for the federal fiscal year is $5,483,750. The specific eligible uses are not yet available. While this is a one-year appropriation, there is a likelihood of subsequent appropriations.

B. State Activity

State activity has increased dramatically to meet increased school construction needs. A recent National Governors Association study surveyed 43 states and found a number of programs starting or in place. Many states have implemented large increases in state appropriations.[9] In addition, states have moved into several areas of involvement including: requirements for local facility evaluation and planning; equalizing reimbursement systems; and development of state school construction oversight entities. Among these are:

1. Some states have built equalizing methodologies into their aid formulas.

    - **Alaska** pays for school expenditures with local districts paying from 2% to 35% of the cost, depending on wealth. The legislature approved $244 million for FY 2000 in two grant programs.
    - **Connecticut** reimburses schools from 20% to 80% of costs, depending on district wealth.
    - **Illinois** the state share ranges from 35% to 75%, depending on local property wealth.
    - **Kansas** also uses a sliding reimbursement scale.
    - **Maine** bases funding on results from a facilities study and a determination of the ability of a building to house the district's approved educational plan. Projects are prioritized forward, creating a waiting list for funding approvals in order by determined need. Each year, a "line is drawn" on the list depending upon how far available money will stretch. A project up for funding has to pass a bond vote within two years, or it loses its place in line. For repairs and renovations (much of this need was created by the ice storm a few years ago), a revolving fund with $72 million in surplus funds provides seed money. The state forgives 30% to 70% of the loan based upon district wealth. Districts must pay the remainder back in five to ten years. Maine bonds $30 million at a time when the fund needs added cash.
    - **Massachusetts** reimburses from 50% - 90% of the costs of construction. Municipalities issue bonds and the municipalities are reimbursed over the life of the bond.

[9] See National Governors Association "Best Practices Program" Building Americas Schools: State Efforts to Address School Facility Needs.

- **New Hampshire** pays from 30% to 55% principal and interest on debt, based on the cooperation between districts. The more districts involved, the higher the reimbursement rate.
- In **North Dakota**, school construction is roughly 45% local funds, 45% state funds and the rest federal.[10]
- **Georgia** provides additional reimbursements for districts of over 65 students with over 1.5% annual student count increases and further supplements to the 25 most needy school districts.

2. A number of states have state or locally-developed facilities condition studies and plans which are done on a regular (5-10 year) cycle.

   - **Alaska**, a state of roughly Vermont's population, requires a six-year local plan for school improvements.
   - **Arizona,** responding to a 1994 declaration that its school capital finance system was unconstitutional, created a school facilities oversight board and a set of adequacy standards. The state provides funding for meeting these standards, and the board carries out facilities condition and assessment studies.
   - **Arkansas** requires a local long-term facilities plan which is updated every five years. The annual state appropriation is $10 million for facilities funding. In addition the state provides debt service aid.
   - **Georgia** requires local districts to submit long-term facilities plans to the state for state approval.
   - **Kentucky** has a school facilities construction commission which provides state support for construction. Support eligibility is tied to completion of a local facilities plan.
   - **Maryland** requires a ten-year master plan from each locality. Requests for state assistance are based on this plan. In addition, school districts receive block grant amounts, depending on the age of local facilities.

C. Judicial Action: Equity in School Construction

School facilities are an understudied aspect of school finance, and have not been subject to the same equal protection scrutiny over the past 30 years as have systems for funding recurring education expenses. However, this is beginning to change. According to a recent state legislative report published by the National Conference of State Legislatures,[11] the next major issue for litigation in this area may well be capital outlay financing for schools.

Traditionally, plaintiffs' equal protection arguments have centered around gross funding inequities in operating funds among school districts resulting from interdistrict property wealth disparities. However, some school funding systems have been overturned recently, specifically because of disparities in school facilities across school districts.

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[10] Federal funds are not identified, but may be Indian reservation related funding.

[11] *State School Finance Litigation: 1999 Summary and Analysis*, Whitney, Terry N. (State Legislative Report, National Conference of State Legislatures, CO, December 1999).

For example, in the following states where decisions have been rendered by the state's highest court, school facilities were considered paramount in ruling the school funding systems unconstitutional: [12]

1. Arizona. The state supreme court ruled the school funding system unconstitutional in 1994 because it created vast disparities in districts' ability to afford school construction, building maintenance, and equipment. Arizona is the only state whose school funding system has been ruled unconstitutional based solely on the condition of school facilities. The court noted that the record showed enormous facility disparities among the various school districts and traced these disparities to a statutory scheme, which relied in large part on local property taxation for public school facilities requirements. The court did not find the property tax itself unconstitutional, although the ruling was based on disparities of property wealth. It was the state's failure to come up with a funding system that offset disparities in property wealth that was at the core of the decision. In 1999, the legislature's fourth attempt to equalize school construction spending was approved by the court. This plan requires the state to spend $372 million per year in state general funds to build, equip, and maintain public schools, and replaces the existing method of using local voter-approved, tax-financed bonds.

2. Ohio. The state supreme court ruled the funding system unconstitutional in 1997 because it violated the state's education clause, which mandates a "thorough and efficient" education. The court specifically found that a provision of the financing scheme dealing with school facilities, the state's Classroom Facilities Act, was unconstitutional because of the extent to which the legislature had failed to provide sufficient funds to serve the facilities needs of Ohio's public schools. The decision went on to describe in considerable detail a constitutionally-acceptable system of school funding, emphasizing the necessity of facilities in good repair, of sufficient size to avoid overcrowding, and fully accessible to handicapped students. In 1999, the Governor submitted a plan to the court to spend $10.2 billion over 12 years on school construction.

3. Texas. The state supreme court ruled the funding system unconstitutional in 1989, stating that "glaring disparities" among rich and poor districts existed in terms of their ability to raise and spend funds for education. It also declared that requiring substantially equal access to similar revenue per pupil at similar levels of effort has always applied to both operation costs and capital expenditures. In 1993, the legislature's fourth attempt to enact a financing scheme that satisfied the court's initial ruling passed. It requires the wealthiest districts to choose among five options to share their property wealth with other districts. Although the court ruled that the new system was constitutional, the opinion noted that the state had a duty to provide all districts with substantially equal access to the operations and facilities funding necessary for a general diffusion of knowledge. The court warned that evidence at trial shows that the lack of a separate facilities component has the potential of rendering the school finance system unconstitutional in its entirety in the very near future. Two groups of plaintiffs continue to claim that funding inequities

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[12] *Equity and Funding of School Facilities: Are States at Risk?*, Crampton, Faith E.; Whitney, Terry N. (State Legislative Report, National Conference of State Legislatures, CO, February 1995).

exist. In 1998, a trial judge indicated that he has the authority to retain jurisdiction over the new funding formula, but would wait until after the 1999 legislative session to entertain further arguments against the state. The Texas Legislature faces a serious problem in trying to provide funds for equitable school facilities since there is a significant backlog of capital expenditure and a rapidly growing student population.

Vermont is not currently at risk for litigation based on equal protection arguments related to school facilities financing. Under the Equal Education Opportunity Act (EEOA), all school districts in Vermont pay the same equalized property tax rate for the same amount of capital spending per equalized pupil. However, proposals to remove the cost of servicing school construction debt entirely from the EEOA's sharing pool, without modifications to the existing school construction aid program, might be subject to court challenge on the basis of equal protection arguments. If school districts each received a flat 30% grant toward the cost of approved projects, but were required to raise the remaining 70% of the cost on their local property tax base, this could lead to disparities in the ability of individual school districts in Vermont to cover the cost of school construction.

5. Funding Issues and Options

A. Funding Sources

For FY 2002, the current administration proposal is to use surplus funds for school construction needs. The estimated use is $12 million of the $29 million of available funds. At the present rate of expenditure, using the surplus funds for school construction needs, these surplus funds should last through FY 2003 into FY 2004. Federal funds, assuming they become an annual grant, may provide an additional source of monies. In the long term, the $12-$15 million need will create pressures on the state capital bill and other revenue sources. To address this future concern, three activities are important:

1. Assessing future need

As in other states, Vermont needs to assess the future demand for school construction funding. A statewide assessment of school conditions could provide a more accurate assessment of need and an ability to identify priority funding objectives. The cost of such a study is estimated at $.09-$.11 per square foot of school space. Statewide, that could lead to a projected cost of $1.6 million. For FY 2002, a small appropriation for a survey and building study design contract would be appropriate to more accurately identify the costs and methodology appropriate for such an effort.

2. Development of revenue sources

Current assessments of demand show a $12-$15 million annual need. This is before any action to assist fast growth communities and schools experiencing major problems in adequacy. With inflation, this estimate is likely to grow. The current practice of using surplus funds will create an out-year problem when these funds are finished. The continuation of the practice of the past few years of designating unallocated surplus for school construction could alleviate this problem. Given Act 60's underlying equality, one option would be to curtail school construction aid. Barring that, several possibilities will need to be explored, including regular dedication of

surplus funds, a greater capital bill commitment, a commitment of general funds or education funds, or a targeted revenue source.

3. Coordination with other capital needs

In the past few years, the state's capital financing has been limited to $39 million. K-12 school construction has represented a large part of this. Of this amount, $10 million has been the estimate for the school construction obligation of the capital bill. Technical education is statutorily 100% state funded. Current estimates of need for technical education capital funds are $80 - $100 million. These school-related needs and other capital needs will present a future problem for state capital funding. As part of any school construction planning, out-year estimates need to be coordinated with these other capital pressures.

IV. Appendices

Appendix A

Capital Outlay Financing Formula

State of Vermont
Department of Education
Montpelier, Vermont

EFFECTIVE:
January 1, 2001

STATE BOARD OF EDUCATION

The State Board of Education voted to establish the effective date for implementation of The Capital Outlay Financing Formula as of January 1, 2001.

On August 18, 1998, the State Board of Education voted to approve that the maximum eligible cost for construction aid shall be determined by applying the capital outlay financing formulas to the approved educational specifications for a proposed project. The maximum cost for state participation shall in no way limit the amount of construction cost that a local district may authorize or expend on a project. The capital outlay financing formulas shall be subject to review by the State Board of Education every year.

State Board Rule: Series 6000

MAXIMUM ELIGIBLE BUILDING COSTS FOR STATE PARTICIPATION PURPOSES

The formulas and procedures that follow are intended to determine the maximum eligible cost for state participation purposes on any school construction project eligible for state construction aid under Vermont statutes and State Board of Education policy. The maximum eligible cost shall be determined by the Commissioner applying the formulas to the approved educational specifications for the proposed project, but shall in no way limit the amount of construction cost that a local district may authorize or expend on a project. If the local district wishes to authorize construction costs in excess of this figure, it may, but the state construction aid will be calculated on the basis of the maximum eligible cost. Any costs in excess of this will be borne by the local district. The space allocation formulas and allowable cost per square foot of construction shall be subject to review by the State Board of Education every year.

Definitions: For purposes of determining eligibility, the following definitions shall apply:

Costs Eligible for Construction Aid

1. Emergency project costs required to address imminent threats to safety and health of students or employees for which construction is necessary.
2. Fees for permits, clerk of the works, and legal, architectural and engineering services.
3. Razing existing on-site structures.
4. Installation of utilities and associated costs, either on-site or where legal right-of-way is obtained by the school district, including grading, drainage facilities, power plants, sewer, water, wells and pumps, waste treatment, electricity, roads, walks, parking areas, and lighting.
5. Athletic fields and other site development projects necessary to provide exterior facilities to carry out an approved educational program.
6. Landscaping incidental to the construction.
7. Construction to meet state agency regulations, including but not limited to fire and safety, environmental, and VOSHA.
8. Roof replacement if:
   (a) it is a structural improvement which will extend the life of the building, or
   (b) the roof has exceeded its life expectancy and will be completely replaced and upgraded.
9. School building construction or purchase, and extensive additions, alterations and renovations to existing schools consistent with 16 VSA § 3448(a)(2)(A).
10. Fixed equipment approved by the Commissioner.

Partially Eligible Costs:

1. Swimming pools, skating rinks, theaters, and other structures with valid education functions, but primarily programmed for community use and/or revenue production, are to be counted into the total space allowances eligible for construction aid at a percentage which is the ratio of educational use to total use, such percentage to be

determined in each case by the Commissioner. Auxiliary spaces, such as locker rooms, changing rooms, spectator areas, and mechanical equipment areas may be included as partially eligible costs.

2. School construction on land or buildings which are part of a permanent deeded easement or right-of-way is eligible for state participation as a partially eligible cost at a percentage to be determined by the Commissioner.
3. Office space for administration.

Noneligible Costs:

1. Structures or spaces designed exclusively for use of other agencies or services such as community centers, town offices, or civil defense shelters.
2. Repair or maintenance projects that do not amount to extensive additions, alterations, or renovations.
3. Stadiums.
4. School furniture, computers, computer hardware, cleaning equipment, and supplies.
5. Interest on bonding or short-term borrowing costs.
6. Time spent on the construction project by school board members or employees of the district.
7. Deferred maintenance. No state construction aid shall be available for any proposed project or construction which has arisen in whole or in part from significant deferred maintenance. For the purpose of this section, "deferred maintenance" means costs for construction repairs or other improvements necessitated by the lack of reasonable and timely maintenance, including periodic minor repairs of school buildings and mechanical systems.

Questionable Costs of Spaces:

1. Costs or spaces not falling clearly within the list of eligible or partially eligible costs or spaces and not specifically excluded as noneligible shall be submitted to the Commissioner for status determination prior to project commencement, or shall automatically be considered as not eligible for construction aid.
3. Districts aggrieved by the decision of the Commissioner regarding eligible cost may appeal to the State Board of Education. The State Board, after opportunity for hearing, may affirm, modify, or reverse the decision of the Commissioner.
3. In cases of renovations and additions the Commissioner will determine the gross square footage useable for educational purposes of an existing building establishing the maximum square footage allowable for construction aid.

MINIMUM SQUARE FEET PER STUDENT FOR PROGRAM AND SERVICES IN GRADES K-6

If one or more of the following are included in the proposed construction aid project, the following minimum requirements shall apply by grade range and school size for the program and service areas.

	Program and Services	Minimum Square Footage Required For Design
1.	Kindergarten	50 square feet net per student use
2.	General Instruction	30 square feet net per student use
3.	Library	<250 students: 750 sq. ft. net; >249 students: 3 sq. ft. per student
3a.	Library Storage	10% floor area
3b.	Library Workroom/Conference	10% floor area
4.	Art	50 square feet net per student use
4a.	Art Storage	10% floor area
5.	Music Classroom	30 square feet net per student use
5a.	Music Storage	10% floor area
6.	Combined labs for 2 or More Specific Programs, incl Science	50 square feet net per student use
6a.	Combined Lab Storage Area	10% floor area
7.	Computer Lab	30 square feet net per student use
7a.	Computer Lab Service Area	50 square feet
8.	Special Services	2 square feet x capacity
9.	Multi-Purpose Room	<60 students: 1,200 square feet; >59 students: 2,400 square feet net
9a.	Multi-Purpose Storage	<60 10% floor area; >59 15% floor area
10.	Gymnasium	3,840 square feet Regulation Court
10a.	Gymnasium Storage	10% floor area
11.	Cafeteria/Dining Room	7 square feet net x planned seating capacity
11a.	Cafeteria/Dining Room Storage	5% floor area
12.	Kitchen: Onsite production and includes required storage	<250 students: 500 square feet net: >249 students: 3 square Feet x capacity; >500 students: 2 square feet x capacity
13.	Auditorium	>499 students: 6 square feet x capacity
14.	Theater	>499 students: 2 square feet x capacity
15.	Stage	5% floor area multi-purpose, gymnasium or dining rooms
16.	Health	<250 students: 150 square feet net plus toilet facilities: >249 students: 1 square foot x capacity plus toilet facilities
17.	Guidance	1 square foot x capacity
18.	Conference	1 square foot x capacity
19.	Administration	3 square feet x capacity
20.	Project Rooms	3 square feet x capacity less kindergarten population
21.	Teacher Planning Room	2 square feet x capacity
22.	General Storage	2 square feet x capacity
23.	Sub-Total	
22.	Supports (toilets, halls, etc...)	No greater than 30% of sub-total

MINIMUM SQUARE FEET PER STUDENT FOR PROGRAM AND SERVICES IN GRADES K-8

If one or more of the following are included in the proposed construction aid project, the following minimum requirements shall apply by grade range and school size for the program and service areas.

	Program and Services	Minimum Square Footage Required For Design
1.	Kindergarten	50 square feet net per student use
2.	General Instruction	30 square feet net per student use
3.	Library	<250 students: 750 sq. ft net: >249 students: 3 sq. feet per student
3a.	Library Storage	10% floor area
3b.	Library Workroom/Conference	10% floor area
4.	Art	50 square feet net per student use
4a.	Art Storage	10% floor area
5.	Music Classroom	30 square feet net per student use
5a.	Music Storage	10% floor area
6.	Music/Instrumental	50 square feet net per student use >100 students 2,000 square feet
6a.	Music/Instrumental Storage	10% floor area
7.	Science Laboratory	50 square feet net per student use
7a.	Science Preparation/Storage	10% floor area
8.	Foreign Language	30 square feet net per student use
9.	Family Consumer Science	50 square feet net per student use
9a.	Family Consumer Storage	10% floor area
10.	Combined Labs for 2 or More Specific Programs, incl Science	50 square feet net per student use
10a.	Combined Lab Storage	10% floor area
11.	Computer Lab	30 square feet net per student use
11a.	Computer Lab Service Area	50 square feet
12.	Special Services	2 square feet x capacity
13.	Multi-Purpose Room	<60 students: 1200 square feet; >59 students: 2400 square feet net
13a.	Multi-Purpose Storage	<60 students: 10% floor area; >59 students: 15% floor area
14.	Gymnasium	3,840 square feet Regulation Court
14a.	Gymnasium Storage	10% floor area
14b.	Locker Rooms	10% floor area
15.	Cafeteria/Dining Room	7 square feet net x planned seating capacity
15a.	Cafeteria/Dining Room Storage	5% floor area
16.	Kitchen: Onsite production and includes required storage	<250 students: 500 sq. ft. net; >249 students: 3 sq. feet x capacity >500 students: 2 square feet x capacity
17.	Auditorium	>499 students: 6 square feet x capacity
18.	Theater	>499 students: 2 square feet x capacity
19.	Stage	5% floor area multi-purpose, gymnasium, or dining rooms
20.	Health	<250 students: 150 sq. feet net plus toilet facilities; >249 students: 1 square foot x capacity
21.	Guidance	1 square foot x capacity
22.	Conference	1 square foot x capacity
23.	Administration	3 square feet x capacity
24.	Project Rooms	3 square feet x capacity less kindergarten population
25.	Teacher Planning Room	2 square feet x capacity
26.	General Storage	2 square feet x capacity
27.	Sub-Total	
28.	Supports (toilets, halls, etc...)	no greater than 30% of sub-total

MINIMUM SQUARE FEET PER STUDENT FOR PROGRAM AND SERVICES IN MIDDLE OR JUNIOR HIGH GRADES

If one or more of the following are included in the proposed construction aid project, the following minimum requirements shall apply by grade range and school size for the program and service areas.

	Program and Services	Minimum Square Footage Required For Design
1.	General Instruction	30 square feet net x capacity
2.	Library	4 square feet x capacity; minimum 1000 square feet
2a.	Library Storage	10% floor area
2b.	Library Workroom/Conference	10% floor area
3.	Art	50 square feet net per student use
3a.	Art Storage	10% floor area
4.	Music Classroom	30 square feet net per student use
4a.	Music Storage	10 % floor area
5.	Music /Instrumental	50 square feet net per student use >100 students 2, 000 square feet
5a.	Music/Instrumental Storage	10% floor area
6.	Science Lab	50 square feet net per student use
6a.	Science Preparation/Storage	10% floor area
7.	Foreign Language	30 square feet net per student use
8.	Tech Ed/Family Cons Science	50 square feet net per student use
8a.	Tech Ed/Fam Cons Sci Storage	10 % floor area
9.	Combined Lab for two or more Specific Programs above	50 square feet net per student use
9a.	Combined Lab Storage	10% floor area
10.	Computer Lab	30 square feet net per student use
10a.	Computer Lab Service Area	50 square feet
11.	Special Services	2 square feet x capacity
12.	Multi-Purpose Room	<60 students: 1,200: >59 students: 2,400 square feet net
12a.	Multi-Purpose Storage	<60 students: 10% floor area; >59 students: 15% floor area
13.	Gymnasium	3,840 square feet Regulation Court
13a.	Gymnasium Storage	10% floor area
13b.	Locker Rooms	10% floor area of gym, per locker room
14.	Cafeteria/Dining Room	10 square feet net x planned seating capacity
14a.	Cafeteria/Dining Room Storage	5% floor area
15.	Kitchen: Onsite production and includes required storage.	<250 students: 500 sq. feet net: >249 students 3 sq. ft. x capacity · >500 students: 2 square feet x capacity
16.	Auditorium	8 square feet x capacity
17.	Theater	3 square feet x capacity
18.	Stage	5% floor area multi-purpose, gymnasium, or dining room
19.	Health	<250 students: 150 square feet net plus toilet facilities; >249 students: 1 square feet x capacity
20.	Guidance	2 square feet x capacity
21.	Conference	1 square foot x capacity
22.	Administration	3 square feet x capacity
23.	Project Rooms	4 square feet x capacity
24.	Teacher Planning Room	2 square feet x capacity
25.	General Storage	2 square feet x capacity
26.	Sub-Total	
27.	Supports (toilets, halls, etc...)	No more than 30% of sub-total

VT LEG 132182.1

MINIMUM SQUARE FEET PER STUDENT FOR PROGRAM AND SERVICES FOR HIGH SCHOOL

If one or more of the following are included in the proposed construction aid project, the following minimum requirements shall apply by grade range and school size for the program and service areas.

	Program and Services	Minimum Square Footage Required for Design
1.	General Instruction	30 square feet x capacity @ 70%
2.	Library	4 square feet x capacity; minimum 1000 square feet
2a.	Library Storage	10% floor area
2b.	Library Workroom/Conference	10% floor area
3.	Art	50 square feet net per student use
3a.	Art Storage	10% floor area
4.	Music Classroom	30 square feet net per student use
4a.	Music Storage	10% floor area
5.	Music/Instrumental	50 square feet net per student use >100 students 2,500 sq. feet
5a.	Music/Instrumental Storage	10% floor area
6.	Science Lab	50 square feet net per student use
6a.	Science Preparation/Storage	10% floor area
7.	Foreign Language	30 square feet net per student use
8.	Tech Ed/ Family Consumer Science	50 square feet net per student use
8a.	T.E./Fam Cons Sci Storage	10% floor area
9.	Combined Lab of 2 or more Specific Programs above	50 square feet net per student use
9a.	Combined Lab Storage	10% floor area
10.	Computer Lab	30 square feet net per student use
10a.	Computer Lab Storage	50 square feet
11.	Special Services	2 square feet x capacity
12.	Multipurpose Room	<60 students: 1,200; >59 students: 2,400 square feet net
12a.	Multipurpose Room Storage	<60 students: 10% floor area; >59 students: 15% floor area
13.	Gymnasium	5,040 square feet Regulation Court
13a.	Gymnasium Storage	10% floor area
13b.	Locker Rooms	10% floor area of gym, per locker room
14.	Cafeteria/Dining Room	10 square feet net x planned seating capacity
14a.	Cafeteria/Dining Room Storage	5% floor area
15.	Kitchen: Onsite production and all required storage	<400 students: 3 square feet; >399 students: 2 square feet
16.	Auditorium	8 square feet x capacity
17.	Theater	3 square feet x capacity
18.	Stage	5% floor area: multipurpose, gymnasium, or dining room
19.	Health	<500 students: 500 square feet; >499 students: 2 sq. feet x capacity
20.	Guidance	2 square feet x capacity
21.	Conference	2 square feet x capacity
22.	Administration	4 square feet x capacity
23.	Project Rooms/Student Centers	3 square feet x capacity
24.	Teacher Planning Rooms	2 square feet x capacity
25.	General Storage	2 square feet x capacity
26.	Sub-Total	
27.	Supports (toilets, halls, etc...)	No more than 30% of sub-total

MAXIMUM COST PARAMETERS FOR CONSTRUCTION AID

The Maximum Cost for State Participation shall be determined by multiplying the basic unit cost by the total allowable square footage. The basic unit cost reflects all costs associated with the construction. The total cost will not exceed $135 per square foot for new construction except as noted below.

A. BASIC UNIT COST INCREMENTS THAT WOULD BE ELIGIBLE FOR STATE CONSTRUCTION AID

FOR NEW PROJECT 10,000 SQUARE FEET OR LARGER	BUILDING COSTS INCLUDING FIXED EQUIPMENT (OR EQUIVALENT) AND FEES (PER SQUARE FOOT)	DEMOLITION (WHERE NECESSARY) (PER SQUARE FOOT)	SITE WORK (EXCLUDING WASTE TREATMENT)(PER SQUARE FOOT)	WASTE TREATMENT FACILITIES (WHEN NOT ON MUNICIPAL SEWER) (PER SQUARE FOOT)
NEW ELEMENTARY K-6	$108.00	$3.00	$9.00	$5.00
NEW ELEMENTARY K-8	$108.00	$3.00	$9.00	$5.00
NEW INTER-MEDIATE OR JUNIOR HIGH SCHOOL	$113.00	$3.00	$9.00	$5.00
NEW HIGH SCHOOLS	$118.00	$3.00	$9.00	$5.00

B. For remodeling of existing educational spaces, the maximum eligible building cost to be 50% of the building cost figures above. For site work and waste treatment, when applicable, above figures to apply.

C. For conversion of existing non-educational spaces to educational use, maximum building cost to be 65% of above figures. Above figures to apply on site work and waste treatment where applicable.

D. Additional Increments for Special Circumstances:
In the event of unusually difficult and unavoidable site conditions engaging more than normally expensive site work or waste treatment facilities and renovations to existing buildings to retain their historical features, the unit cost increments for these areas may be increased by the Commissioner of Education.

E. Cost Index Relationship: Unit costs will be subject to annual readjustment by the State Board of Education. The readjustment will be based on the past years cost of school construction.

DETERMINING COSTS FOR NEW SCHOOL CONSTRUCTION, ALTERATIONS AND ADDITIONS

For new school construction, determine the total space allowance for the project from the Space Allowance Tables. Using the Space Allowance chart multiply the approved gross square footage by the maximum square footage cost.

To determine space allowance for an addition, deduct from the total space allowance the area of the existing building adjusted for its current age status by multiplying the area by the applicable use factors listed below.

Use factors for existing structures:	
Basement areas	25%
Above grade pre-1945 facilities	70%
Above grade facilities constructed since 1945	80%

To determine the maximum cost for state participation purposes, multiply the new space allowance by the unit cost for new construction and multiply the area in the existing building that is identified for remodeling by the unit cost identified in the Basic Unit Cost chart and the supplemental increment allowed for an addition.

- The following example determines the Maximum Cost for State Participation (M.C.S.P.) for a new elementary school k-6 with an approved design capacity of 340 students:

Total space allowance:	340 X 120 square feet = 40,800
M.C.S.P.:	40,800 square feet X $122 = $4,977,600

- The following example demonstrates the Maximum Cost for State Participation (M.C.S.P.) for a 20,000 square foot addition and alteration to a K-6 elementary school with an approved design capacity of 340 students. The existing building is 20,000 square feet of 1930 vintage, and will be remodeled.

Total Space Allowance:	340 X 120 square feet =	40,800
Existing Building:	20,000 X 70% =	14,000
Space Allowance for Addition:		26,800
	26,800 X $122.00 =	$3,269,600
Work in Existing Building:	20,000 X $54 =	$1,080,000
M.C.S.P. :		$4,349,600

Minimum Requirements:
Minimum requirements regarding facility planning and construction will be those included in State Board of Education rules 6100.

Appendix B

SYSTEM FOR

RATING

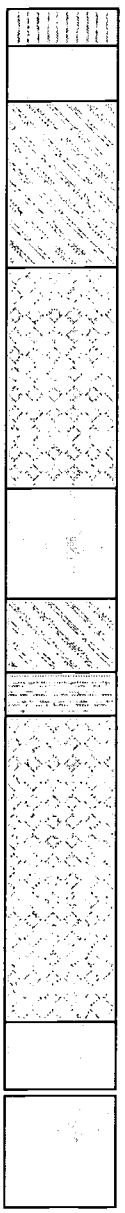
PROPOSED SCHOOL CONSTRUCTION PROJECTS

Adopted By:
The State Board of
Education on
July 18, 2000

Effective:
January 1, 2001

SUMMARY OF PRIORITY RATING SCORES

	Maximum Points
Community Use	2
Consolidation/Union District Formation	10
Health and Safety	24
Building Condition	32
Type of Space	12
Number of Years Exceeding Capacity	5 (1 point per year)
Mid Range Projection	3
Enrollment Projections	40
Years in Process	5 (for each year project is unfunded)
Identified Schools	10



DEFINITIONS OF COMPONENTS

Point System for Rating

All components will be rated equally. The following criteria will be applied to components with identified need.

Excellent:	Exceeds standards, and conditions do not pose a threat to the health and safety of students.
Good:	Is adequate for programs, services, enrollment, health and safety conditions.
Fair:	Demonstrating signs of need.
Poor:	Demonstrating problems.
Unsatisfactory:	Inadequate for programs, services. Enrollment poses a threat to the health and safety of students.

The following definitions and points will be applied when evaluating the different components of the priority system for ranking projects.

Community Use:

Approved educational specifications that include space for a community program that supports the school's educational program will receive 2 additional points.

Consolidation of Buildings or Union District Formations:

Proposals for the consolidation of one or more buildings, or like programs and services, which demonstrate cost effectiveness will receive 10 additional points.

Health and Safety:

Evidence of non-compliance with state and federal fire, health and safety regulations, including regulations of all state agencies with rules for construction and operation of public schools. 24 possible points.

Building Condition:

Evidence provided through professional evaluations of the condition of the existing building(s). 32 possible points.

Type of Space:

Evidence that utilization of current classroom space does not meet current enrollment or future enrollment projections. For the purpose of determining the capacity of an existing building that has not had any major construction within five years, the Vermont Department of Education will

take the total classroom space square footage and divide by 30 square feet. Calculations for classroom space for 7-12 or 6-8 enrollments will be at 70% and 80%, respectively, of use.

Core facilities components include: library, cafeteria, auditorium, gymnasium, multipurpose room, science labs, art and music rooms, planning rooms, storage areas, health services, guidance and administration areas. Evaluations of these areas will be based on their availability to meet the needs of the defined curriculum and services

Enrollment Projections:

When applicable, schools must submit an enrollment history and projections for a minimum of five years and a maximum of ten years using a cohort survival method.

Evaluations are based on the district's percentage of unhoused students based on the approved enrollment projections.

> If the enrollment projection for unhoused students is equal to or greater than 40 percent of existing capacity, **full points are awarded**. (max 40 points)
>
> If the enrollment projection for unhoused students is less than 5 percent of existing capacity, **then 0 points are awarded**.
>
> If the enrollment projection for unhoused students is between 5 and 40 percent of existing capacity, **then points are awarded equal to the percent of unhoused students.**

Mid Range Projection:

The degree of immediacy of a district's capacity problem. Three points will be added to the district's base calculation once it has reached its mid-range projection.

Number of Years Exceeding Projection:

The duration of an unhoused students problem. One point will be added to the calculation for each year the school's student population exceeds its capacity.

Years in Process:

For each year a project with an approved preliminary application and an established need is unfunded, the Department of Education will add five additional points to its rating. The process is as follows:

Year	Points
1	0
2	5
3	10
4	15
5	20

Identified Schools:

Projects for schools currently identified as in need of technical assistance (either by student performance or noncompliance with the School Quality Standards as adopted by the State Board of Education) will receive ten additional points.

BUILDING EVALUATION FORM

Date of Evaluation: _____ School Building: _____

Grade(s): _____ Year of Original Construction: _____ Year(s) of Addition(s): _____

School District: _____

Signature of Evaluator: _____

COMPONENTS	SYSTEMS	RATINGS					COMBINED SCORE
		EXCELLENT (0)	GOOD (1)	FAIR (2)	POOR (3)	UNSATIS (4)	
1. **Building Condition** • **Interior** • **Exterior**	1.1 structure 1.2 walls 1.3 roof 1.4 windows 1.5 ceilings 1.6 acoustic 1.7 mechanical systems 1.8 electrical systems						
SUB-TOTAL COMPONENT ONE							
2. Health and Safety • **Egress** • **Hazard Protection** • **Fire Protection**	2.1 labor and industry 2.2 asbestos 2.3 lead 2.4 water system 2.5 septic system 2.6 handicapped accessibility for programs and services						
SUB-TOTAL COMPONENT TWO							
3. Type of Space	3.1 classroom 3.2 core facilities 3.3 site						
SUB-TOTAL COMPONENT THREE							
4. Enrollment Projections **Room Utilization**	4.1 approved projections 4.2 mid-range projections 4.3 exceeding capacity projections						
SUB-TOTAL COMPONENT FOUR							
Continued on reverse							

5. Consolidation or District Formation	5.1 buildings & programs district formation & cost effective	A single school district that proposes a consolidation of one or more buildings, or like programs and services, and demonstrates cost effectiveness will receive 10 points.	

6. Community Use	6.1 educational program incorporates approved community plan and use of building(s)	Any approved educational specification that includes implementation of a community use program that supports the educational program will receive 2 points.	

7. Years in Process	7.1 pre-approved projects waiting in the priority system	For each year a pre-approved project with an established urgent need is unfunded, the Department of Education will add five additional points to its ranking.	

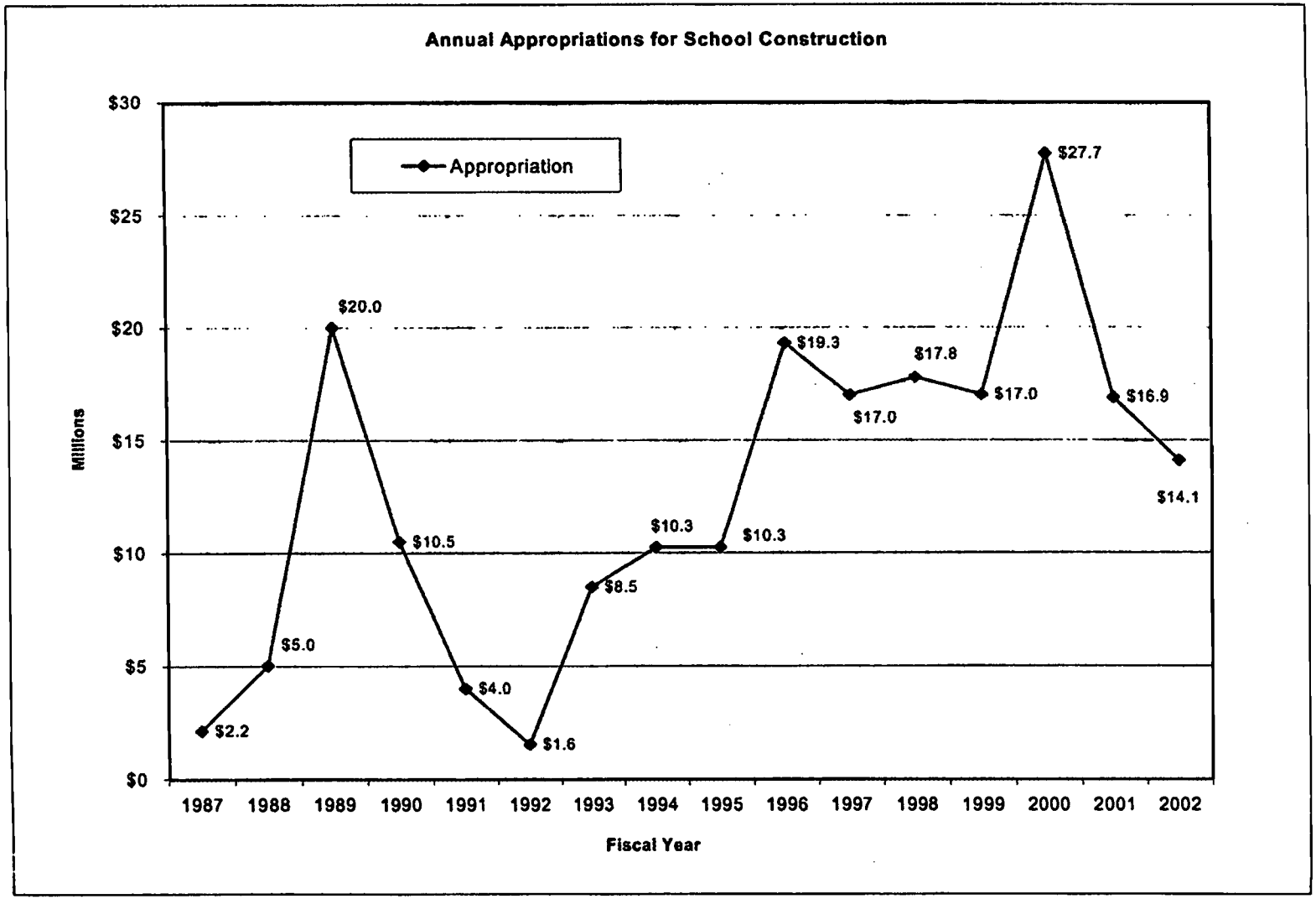
8. Identified Schools	8.1 Identified by DOE for technical assistance	Schools qualifying for technical assistance and demonstrating a link between the facility and school performance will receive 10 points.	

TOTAL SCORE:	

Definitions:	Excellent: exceeds standards Good: adequate for programs, services, enrollment, health and safety conditions Fair: demonstrating signs of need Poor: demonstrating problems Unsatisfactory: inadequate for programs and services, enrollment, health and safety conditions

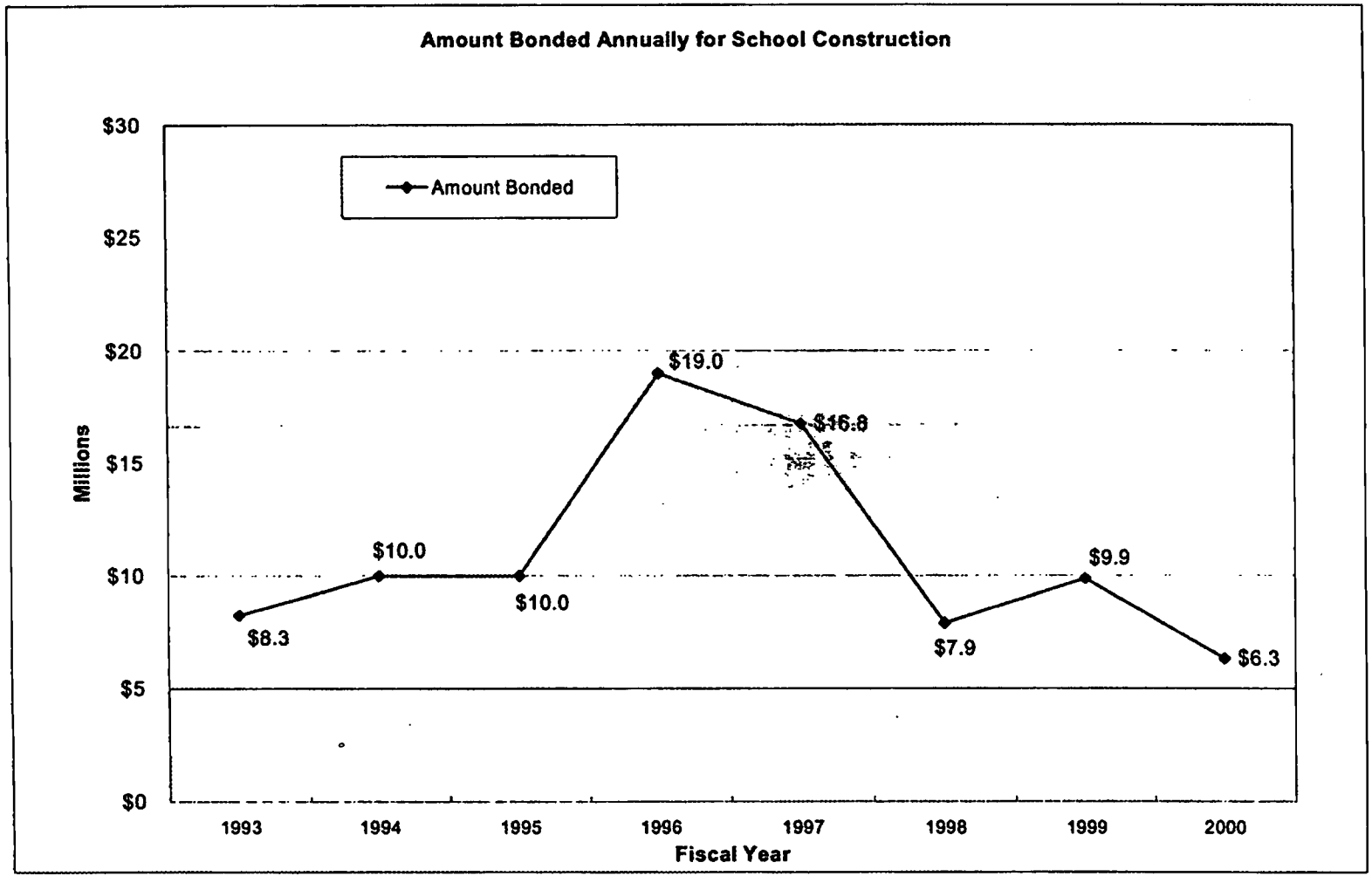
GENERAL COMMENTS:

Appendix C



VT LEG 132182.1

Appendix D


Amount Bonded Annually for School Construction
Amount Bonded
$30
$25
$20
$15
$10
$5
$0
Millions
$8.3
$10.0
$10.0
$19.0
$16.8
$7.9
$9.9
$6.3
1993
1994
1995
1996
1997
1998
1999
2000
Fiscal Year

Appendix E

Equalized Pupils Sorted by Growth Rate

District	County	SU	FY2000	FY2001	FY2002 - Preliminary	Average Annual Change	
State Total			**105,060**	**104,149**	**103,306**	**(877)**	**-0.8%**
Baltimore	Windsor	53	32	35	40	4	11.1%
Mt. Tabor	Rutland	06	31	30	37	3	11.0%
Pittsfield	Rutland	50	52	54	61	4	8.2%
Coventry	Orleans	31	198	199	227	14	7.3%
Victory	Essex	18	7	8	8	0	6.3%
Alburg	Grand Isle	24	301	318	334	17	5.5%
Searsburg	Bennington	49	19	21	21	1	5.0%
Stratton	Windham	46	29	30	31	1	5.0%
Morgan	Orleans	31	115	124	126	6	4.9%
Williston	Chittenden	14	1,210	1,275	1,322	56	4.6%
West Fairlee	Orange	62	109	113	119	5	4.4%
Duxbury	Washington	42	190	190	207	8	4.3%
Isle La Motte	Grand Isle	24	76	79	82	3	4.2%
Pomfret	Windsor	51	169	174	183	7	4.2%
Ferrisburgh	Addison	02	369	368	398	14	3.9%
Walden	Caledonia	09	161	169	172	6	3.6%
Pawlet	Rutland	06	244	250	261	9	3.6%
Fairfax	Franklin	22	721	742	771	25	3.5%
Warren	Washington	42	280	290	298	9	3.2%
Holland	Orleans	31	133	141	141	4	3.0%
Waltham	Addison	02	99	101	105	3	2.9%
Winhall	Bennington	46	95	100	101	3	2.9%
Ripton	Addison	03	100	103	106	3	2.7%
Fayston	Washington	42	174	177	183	5	2.7%
North Hero	Grand Isle	24	119	123	126	3	2.7%
Cavendish	Windsor	53	202	204	213	5	2.6%
Putney	Windham	48	337	340	355	9	2.6%
Hinesburg	Chittenden	14	820	837	861	21	2.5%
Norton	Essex	19	22	23	23	1	2.5%
Lincoln	Addison	01	204	208	214	5	2.5%
North Bennington ID	Bennington	05	320	330	336	8	2.5%
Richmond	Chittenden	12	783	798	822	19	2.5%
Proctor	Rutland	37	334	335	351	8	2.5%
Groton	Caledonia	57	168	168	176	4	2.3%
St. George	Chittenden	14	153	160	160	3	2.2%
Plymouth	Windsor	39	64	67	67	1	2.1%
Mendon	Rutland	36	178	181	185	4	2.1%
Troy	Orleans	31	286	292	297	6	1.9%
Braintree	Orange	28	235	238	244	5	1.9%
Topsham	Orange	27	202	205	208	3	1.7%
Jericho	Chittenden	12	778	798	804	13	1.7%
Elmore	Lamoille	26	166	165	171	3	1.7%
Rutland City	Rutland	40	2,529	2,547	2,613	42	1.7%
Fletcher	Franklin	22	215	218	221	3	1.6%

Weybridge	Addison	03	141	143	145	2	1.5%
Reading	Windsor	51	120	124	124	2	1.5%
Underhill ID	Chittenden	12	343	343	351	4	1.3%
Jay	Orleans	31	80	79	82	1	1.2%
Worcester	Washington	32	168	171	172	2	1.2%
Newbury	Orange	27	303	305	310	3	1.1%
Sharon	Windsor	30	265	269	271	3	1.1%
Albany	Orleans	34	147	145	150	2	1.0%
Hardwick	Caledonia	35	627	37	640	6	1.0%
Charlotte	Chittenden	14	709	727	722	7	0.9%
Wells	Rutland	38	204	207	208	2	0.9%
Strafford	Orange	30	216	215	220	2	0.9%
Shoreham	Addison	03	240	245	244	2	0.9%
Enosburg Falls ID	Franklin	20	583	581	592	5	0.8%
Eden	Lamoille	25	270	277	274	2	0.7%
Salisbury	Addison	03	208	212	211	2	0.7%
West Windsor	Windsor	52	167	170	169	1	0.7%
Hartford	Windsor	54	1,757	1,753	1,780	12	0.7%
Fairfield	Franklin	23	384	378	389	3	0.7%
Starksboro	Addison	01	357	356	362	2	0.6%
Shelburne	Chittenden	14	1,131	1,143	1,145	7	0.6%
Thetford	Orange	27	499	499	505	3	0.6%
Jamaica	Windham	46	139	138	141	1	0.6%
Berkshire	Franklin	20	274	278	277	2	0.6%
Weathersfield	Windsor	52	411	420	415	2	0.5%
Leicester	Addison	36	180	179	181	1	0.5%
Kirby	Caledonia	18	83	80	84	0	0.4%
Huntington	Chittenden	12	356	357	359	2	0.4%
Swanton	Franklin	21	1,247	1,234	1,258	5	0.4%
Brownington	Orleans	34	172	176	174	1	0.4%
Hartland	Windsor	52	613	621	617	2	0.4%
Newark	Caledonia	08	94	95	95	0	0.4%
Lowell	Orleans	31	162	163	164	1	0.4%
Sheldon	Franklin	21	460	460	463	2	0.3%
Landgrove	Bennington	53	29	28	30	0	0.3%
Westford	Chittenden	13	442	447	445	1	0.3%
Manchester	Bennington	06	736	732	741	2	0.3%
Essex Town	Chittenden	59	2,085	2,100	2,096	5	0.3%
Franklin	Franklin	21	258	254	259	1	0.2%
Milton ID	Chittenden	10	1,833	1,852	1,840	4	0.2%
Newport City	Orleans	31	743	741	746	1	0.2%
Hubbardton	Rutland	04	130	131	130	0	0.2%
Mt. Holly	Rutland	39	225	229	226	0	0.2%
Bridgewater	Windsor	51	158	163	158	0	0.0%
Buel's Gore	Chittenden	12	2	2	2	-	0.0%
South Burlington	Chittenden	16	2,413	2,430	2,413	(0)	0.0%

South Hero	Grand Isle	24	307	306	307	(0)	0.0%
Morristown	Lamoille	26	883	869	880	(1)	-0.1%
Colchester	Chittenden	07	2,421	2,408	2,413	(4)	-0.2%
Burlington	Chittenden	15	3,872	3,891	3,857	(7)	-0.2%
Windsor	Windsor	52	661	639	658	(2)	-0.3%
Underhill Town	Chittenden	12	536	526	532	(2)	-0.3%
Addison	Addison	02	254	250	252	(1)	-0.3%
Sunderland	Bennington	06	152	154	151	(1)	-0.4%
Johnson	Lamoille	25	462	448	458	(2)	-0.4%
Benson	Rutland	04	178	172	177	(1)	-0.4%
Rutland Town	Rutland	37	645	645	639	(3)	-0.4%
Concord	Essex	18	201	194	199	(1)	-0.6%
Montgomery	Franklin	20	158	157	156	(1)	-0.6%
Brookline	Windham	46	88	85	87	(1)	-0.7%
Irasburg	Orleans	34	219	212	216	(2)	-0.7%
Grand Isle	Grand Isle	24	356	356	351	(3)	-0.8%
Dummerston	Windham	48	288	283	284	(2)	-0.8%
Stowe	Lamoille	26	641	628	630	(5)	-0.8%
Hyde Park	Lamoille	25	460	465	453	(4)	-0.8%
Danville	Caledonia	09	405	400	398	(3)	-0.9%
Fair Haven	Rutland	04	620	618	610	(5)	-0.9%
Norwich	Windsor	55	786	772	771	(7)	-0.9%
Moretown	Washington	42	315	311	309	(3)	-0.9%
Rochester	Windsor	50	206	205	202	(2)	-0.9%
Burke	Caledonia	08	292	296	287	(3)	-1.0%
St. Albans Town	Franklin	23	1,060	1,051	1,039	(11)	-1.0%
Westminster	Windham	47	580	575	569	(6)	-1.0%
Bloomfield	Essex	19	55	56	54	(1)	-1.0%
Lemington	Essex	19	15	15	15	(0)	-1.1%
Vernon	Windham	48	407	404	399	(4)	-1.1%
Ludlow	Windsor	39	383	380	374	(4)	-1.1%
Barre City	Washington	61	1,419	1,400	1,388	(16)	-1.1%
Waterbury	Washington	42	864	863	845	(10)	-1.1%
Plainfield	Washington	41	257	252	251	(3)	-1.1%
Brandon	Rutland	36	785	761	766	(9)	-1.2%
Dorset	Bennington	06	354	355	345	(4)	-1.2%
Lunenburg	Essex	18	261	259	255	(3)	-1.3%
Bolton	Chittenden	12	201	196	196	(3)	-1.3%
Guilford	Windham	48	379	371	369	(5)	-1.3%
Halifax	Windham	49	123	124	120	(2)	-1.4%
Highgate	Franklin	21	760	760	739	(10)	-1.4%
Berlin	Washington	32	509	494	495	(7)	-1.4%
Chester	Windsor	53	584	575	568	(8)	-1.4%
Essex Junction ID	Chittenden	13	1,652	1,627	1,605	(23)	-1.4%
Shrewsbury	Rutland	33	215	217	209	(3)	-1.4%
Monkton	Addison	01	315	313	306	(5)	-1.4%

Waitsfield	Washington	42	260	253	252	(4)	-1.5%
Middletown Springs	Rutland	38	141	142	137	(2)	-1.5%
Barre Town	Washington	61	1,516	1,513	1,471	(23)	-1.5%
Castleton	Rutland	04	687	685	666	(10)	-1.5%
West Rutland	Rutland	37	455	439	441	(7)	-1.6%
Wolcott	Lamoille	35	281	277	272	(5)	-1.6%
Middlesex	Washington	32	318	312	307	(5)	-1.7%
Marlboro	Windham	46	156	156	151	(3)	-1.7%
Bristol	Addison	01	833	818	805	(14)	-1.7%
Montpelier	Washington	45	1,271	1,255	1,227	(22)	-1.7%
Calais	Washington	32	299	298	289	(5)	-1.7%
Bennington ID	Bennington	05	2,513	2,479	2,426	(43)	-1.7%
Bethel	Windsor	50	376	373	363	(7)	-1.7%
Winooski ID	Chittenden	17	897	882	864	(16)	-1.8%
Brighton	Essex	31	265	265	256	(5)	-1.8%
Andover	Windsor	53	60	60	58	(1)	-1.8%
Georgia	Franklin	22	963	953	927	(18)	-1.9%
Whitingham	Windham	49	232	228	223	(5)	-2.0%
Chittenden	Rutland	36	251	248	241	(5)	-2.0%
Killington	Rutland	51	167	166	161	(3)	-2.0%
Lyndon	Caledonia	08	1,045	1,027	1,001	(22)	-2.1%
Londonderry	Windham	53	294	290	281	(6)	-2.2%
Orwell	Addison	04	243	239	232	(5)	-2.2%
Sudbury	Rutland	36	83	80	79	(2)	-2.2%
Middlebury ID	Addison	03	1,095	1,083	1,045	(25)	-2.3%
Barton ID	Orleans	34	367	362	350	(9)	-2.4%
Peru	Bennington	53	72	71	68	(2)	-2.4%
Vergennes ID	Addison	02	486	469	462	(12)	-2.4%
Pownal	Bennington	05	642	633	611	(16)	-2.4%
Wheelock	Caledonia	08	126	124	120	(3)	-2.4%
New Haven	Addison	01	284	280	270	(7)	-2.5%
East Montpelier	Washington	32	444	431	422	(11)	-2.5%
Ira	Rutland	38	89	88	85	(2)	-2.5%
Greensboro	Orleans	35	126	121	120	(3)	-2.5%
Brattleboro	Windham	48	1,849	1,798	1,756	(46)	-2.5%
Randolph	Orange	28	856	826	813	(22)	-2.5%
Charleston	Orleans	31	190	186	180	(5)	-2.6%
Wardsboro	Windham	46	132	129	125	(3)	-2.6%
Rupert	Bennington	06	110	107	105	(3)	-2.6%
Shaftsbury	Bennington	05	563	553	534	(15)	-2.6%
Marshfield	Washington	41	306	300	289	(8)	-2.7%
Poultney	Rutland	38	591	578	559	(16)	-2.7%
Maidstone	Essex	18	21	20	20	(1)	-2.7%
Tunbridge	Orange	30	242	237	228	(7)	-2.7%
Panton	Addison	02	117	113	110	(3)	-2.8%
Fairlee	Orange	62	186	180	175	(5)	-2.8%

West Haven	Rutland	04	57	55	54	(2)	-2.9%
Westfield	Orleans	31	71	70	67	(2)	-2.9%
Barnard	Windsor	51	168	164	158	(5)	-2.9%
Northfield	Washington	43	833	805	782	(25)	-3.1%
St. Albans City	Franklin	23	1,312	1,266	1,231	(40)	-3.1%
Bradford ID	Orange	27	572	552	536	(18)	-3.1%
Granville	Addison	50	72	69	67	(2)	-3.1%
Newport Town	Orleans	31	261	252	244	(8)	-3.2%
Rockingham	Windham	47	1,060	1,028	992	(34)	-3.2%
Chelsea	Orange	30	233	226	218	(8)	-3.2%
Clarendon	Rutland	33	544	527	509	(18)	-3.3%
Townshend	Windham	46	180	174	168	(6)	-3.3%
Derby	Orleans	31	942	912	880	(31)	-3.3%
Waterford	Caledonia	18	208	200	194	(7)	-3.4%
Wallingford	Rutland	33	442	427	412	(15)	-3.4%
Bakersfield	Franklin	20	272	262	253	(9)	-3.4%
Sheffield	Caledonia	08	133	128	124	(5)	-3.4%
Westmore	Orleans	34	48	47	45	(2)	-3.4%
Athens	Windham	47	47	46	44	(2)	-3.4%
Hancock	Addison	50	67	65	62	(2)	-3.4%
Grafton	Windham	47	90	86	83	(3)	-3.4%
Woodford	Bennington	05	66	64	62	(2)	-3.4%
Guildhall	Essex	18	64	62	60	(2)	-3.4%
Windham	Windham	46	46	44	43	(2)	-3.4%
Stamford	Bennington	49	139	134	129	(5)	-3.4%
Sandgate	Bennington	60	61	59	57	(2)	-3.4%
Brunswick	Essex	19	38	36	35	(1)	-3.4%
Glover	Orleans	34	156	151	145	(5)	-3.4%
Cornwall	Addison	03	204	196	190	(7)	-3.4%
Craftsbury	Orleans	35	174	168	162	(6)	-3.4%
Readsboro	Bennington	49	166	160	154	(6)	-3.4%
Woodbury	Washington	35	147	142	137	(5)	-3.4%
Waterville	Lamoille	25	151	146	141	(5)	-3.4%
Sutton	Caledonia	08	216	208	201	(7)	-3.4%
Corinth	Orange	27	322	311	300	(11)	-3.4%
Williamstown	Orange	29	559	540	521	(19)	-3.4%
Cabot	Washington	41	255	246	237	(9)	-3.4%
Orange	Orange	29	206	199	192	(7)	-3.4%
Ryegate	Caledonia	57	242	233	225	(8)	-3.4%
Woodstock	Windsor	51	559	540	521	(19)	-3.4%
Wilmington	Windham	49	422	407	393	(15)	-3.4%
Bridport	Addison	03	218	211	203	(8)	-3.4%
Stannard	Caledonia	35	63	60	58	(2)	-3.4%
Springfield	Windsor	56	1,741	1,680	1,621	(60)	-3.4%
Dover	Windham	46	209	202	195	(7)	-3.4%
Royalton	Windsor	30	469	453	437	(16)	-3.4%
Richford	Franklin	20	483	466	449	(17)	-3.4%
St. Johnsbury	Caledonia	11	1,343	1,296	1,251	(46)	-3.4%

Arlington	Bennington	60	463	446	431	(16)	-3.4%
Cambridge	Lamoille	25	581	561	541	(20)	-3.4%
Roxbury	Washington	43	129	124	120	(4)	-3.4%
Canaan	Essex	19	251	242	234	(9)	-3.4%
Pittsford	Rutland	36	545	526	508	(19)	-3.4%
Newfane	Windham	46	265	255	246	(9)	-3.4%
Danby	Rutland	06	246	237	229	(8)	-3.4%
Barnet	Caledonia	09	370	357	344	(13)	-3.4%
Vershire	Orange	62	135	130	126	(5)	-3.4%
Peacham	Caledonia	09	152	147	141	(5)	-3.4%
Brookfield	Orange	28	247	238	230	(8)	-3.4%
East Haven	Essex	08	69	67	64	(2)	-3.4%
Belvidere	Lamoille	25	68	66	64	(2)	-3.4%
Washington	Orange	29	194	187	181	(7)	-3.4%
Weston	Windsor	53	97	93	90	(3)	-3.4%
Wells River	Orange	57	88	85	82	(3)	-3.4%
Orleans ID	Orleans	34	196	189	182	(7)	-3.4%
Tinmouth	Rutland	38	106	103	99	(4)	-3.4%
Goshen	Addison	36	45	43	42	(2)	-3.4%
Stockbridge	Windsor	50	98	94	91	(3)	-3.4%
Whiting	Addison	36	83	80	78	(3)	-3.4%
Granby	Essex	18	20	19	18	(1)	-3.4%

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