



Senate

General Assembly

File No. 616

February Session, 2022

Substitute Senate Bill No. 429

Senate, April 25, 2022

The Committee on Finance, Revenue and Bonding reported through SEN. FONFARA of the 1st Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING AUTHORIZATION OF STATE GRANT COMMITMENTS FOR SCHOOL BUILDING PROJECTS AND REVISIONS TO THE SCHOOL BUILDING PROJECTS STATUTES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (*Effective from passage*) The Commissioner of Administrative
2 Services, having reviewed applications for state grants for public school
3 building projects in accordance with section 10-283 of the general
4 statutes on the basis of priorities for such projects and standards for
5 school construction established by the State Board of Education, and
6 having prepared a listing of all such eligible projects ranked in order of
7 priority, as determined by said commissioner, together with the amount
8 of the estimated grant with respect to each eligible project, and having
9 submitted such listing of eligible projects, prior to December 15, 2021, to
10 a committee of the General Assembly established under section 10-283a
11 of the general statutes for the purpose of reviewing such listing, is
12 hereby authorized to enter into grant commitments on behalf of the state
13 in accordance with said section with respect to the priority listing of

14 such projects and in such estimated amounts as approved by such
 15 committee prior to February 1, 2022, as follows:

16 (1) Estimated Grant Commitments.

T1	School District	Estimated	Estimated
T2	School	Project Costs	Grant
T3	Project Number		
T4			
T5	FARMINGTON		
T6	Farmington High School		
T7	22DASY052076N0622	\$131,666,047	\$24,924,383
T8			
T9	STAMFORD		
T10	Westhill High School		
T11	22DASY135280N0622	\$257,938,824	\$51,587,765
T12			
T13	STAMFORD		
T14	Stamford Early Childhood Center		
T15	22DASY135281N0622	\$51,740,423	\$10,348,085
T16			
T17	GRANBY		
T18	Granby Memorial High School		
T19	22DASY056052A0622	\$3,486,378	\$1,319,943
T20			
T21	HAMDEN		
T22	Hamden Middle School		
T23	22DASY062104DV0622	\$17,100,000	\$13,680,000
T24			
T25	MANCHESTER		
T26	Keeney Elementary School		
T27	22DASY077241RNV0622	\$23,800,000	\$15,810,340
T28			
T29	MILFORD		
T30	Pumpkin Delight Elementary School		
T31	22DASY084213EA0622	\$15,060,750	\$5,593,563
T32			
T33	SIMSBURY		
T34	Latimer Lane School		
T35	22DASY128111RNV0622	\$36,792,406	\$12,351,211
T36			
T37	REGIONAL DISTRICT 7		

T38	Regional School District No. 7		
T39	Agricultural Education Center		
T40	22DASY207031VE0622	\$100,000	\$80,000

17 (2) Previously Authorized Projects For the Technical Education and
 18 Career System That Have Changed Substantially in Scope or Cost which
 19 are Seeking Reauthorization.

		Authorized	Requested
T41	School District		
T42	School		
T43	Project Number		
T44			
T45	CTECS (Bridgeport)		
T46	Bullard-Havens		
T47	900-0015 VT/N		
T48			
T49	Estimated...		
T50	Total Project Costs	\$139,447,195	\$188,122,766
T51	Total Grant	\$139,447,195	\$188,122,766

20 Sec. 2. Subsection (b) of section 10-292r of the general statutes is
 21 repealed and the following is substituted in lieu thereof (*Effective July 1,*
 22 *2022*):

23 (b) The School Safety Infrastructure Council shall develop school
 24 safety infrastructure criteria for school building projects awarded grants
 25 pursuant to this chapter and the school security infrastructure
 26 competitive grant program, pursuant to section 84 of public act 13-3.
 27 Such school safety infrastructure criteria shall conform to industry
 28 standards for school building safety infrastructure and shall address
 29 areas including, but not be limited to, (1) entryways to school buildings
 30 and classrooms, such as, reinforcement of entryways, ballistic glass,
 31 solid core doors, double door access, computer-controlled electronic
 32 locks, remote locks on all entrance and exits and buzzer systems, (2) the
 33 use of cameras throughout the school building and at all entrances and
 34 exits, including the use of closed-circuit television monitoring, (3)
 35 penetration resistant vestibules, [and] (4) other security infrastructure
 36 improvements and devices as they become industry standards, and (5)

37 on and after July 1, 2022, a requirement that at least one window in each
38 classroom is able to be opened and used as a means of escape during an
39 emergency. The council shall meet at least annually to review and
40 update, if necessary, the school safety infrastructure criteria and make
41 such criteria available to local and regional boards of education.

42 Sec. 3. Subsection (b) of section 10-291 of the 2022 supplement to the
43 general statutes is repealed and the following is substituted in lieu
44 thereof (*Effective July 1, 2022*):

45 (b) The Department of Administrative Services shall not approve a
46 school building project plan or site, as applicable, if:

47 (1) The site is in an area of moderate or high radon potential, as
48 indicated in the Department of Energy and Environmental Protection's
49 Radon Potential Map, or similar subsequent publications, except where
50 the school building project plan incorporates construction techniques to
51 mitigate radon levels in the air of the facility;

52 (2) The plans incorporate new roof construction or total replacement
53 of an existing roof and do not provide for the following: (A) A minimum
54 roof pitch that conforms with the requirements of the State Building
55 Code, (B) a minimum twenty-year unlimited manufacturer's guarantee
56 for water tightness covering material and workmanship on the entire
57 roofing system, (C) the inclusion of vapor retarders, insulation, bitumen,
58 felts, membranes, flashings, metals, decks and any other feature
59 required by the roof design, and (D) that all manufacturer's materials to
60 be used in the roofing system are specified to meet the latest standards
61 for individual components of the roofing systems of the American
62 Society for Testing and Materials;

63 (3) In the case of a major alteration, renovation or extension of a
64 building to be used for public school purposes, the plans do not
65 incorporate the guidelines set forth in the Sheet Metal and Air
66 Conditioning Contractors National Association's publication entitled
67 "Indoor Air Quality Guidelines for Occupied Buildings Under
68 Construction" or similar subsequent publications;

69 (4) In the case of a new construction, extension, renovation or
70 replacement, the plans do not provide that the building maintenance
71 staff responsible for such facility are trained in or are receiving training
72 in, or that the applicant plans to provide training in, the appropriate
73 areas of plant operations including, but not limited to, heating,
74 ventilation and air conditioning systems pursuant to section 10-231e,
75 with specific training relative to indoor air quality;

76 (5) In the case of a project for new construction, extension, major
77 alteration, renovation or replacement involving a school entrance for
78 inclusion on any listing submitted to the General Assembly in
79 accordance with section 10-283 on or after July 1, 2008, the plans do not
80 provide for a security infrastructure for such entrance; [or]

81 (6) In the case of a project for new construction, extension, major
82 alteration, renovation or replacement on any listing submitted to the
83 General Assembly in accordance with section 10-283 on or after July 1,
84 2022, the plans do not provide for the installation of at least one water
85 bottle filling station (A) per one hundred students of the projected
86 enrollment for the school building, (B) on each new floor or wing of the
87 school building, and (C) in any food service area of the school building;
88 [.] or

89 (7) In the case of a project for new construction, extension, major
90 alteration, renovation or replacement on any listing submitted to the
91 General Assembly on or after July 1, 2023, the plans do not provide for
92 the installation of at least one window in each classroom that is able to
93 be opened and used as a means of escape during an emergency, in
94 accordance with the school safety infrastructure criteria, developed
95 pursuant to section 10-292r, as amended by this act.

96 Sec. 4. Section 10-264h of the 2022 supplement to the general statutes
97 is repealed and the following is substituted in lieu thereof (*Effective July*
98 *1, 2022*):

99 (a) For the fiscal year ending June 30, 2012, and each fiscal year
100 thereafter, a local or regional board of education, a regional educational

101 service center, a cooperative arrangement pursuant to section 10-158a,
102 or any of the following entities that operate an interdistrict magnet
103 school that assists the state in meeting its obligations pursuant to the
104 decision in *Sheff v. O'Neill*, 238 Conn. 1 (1996), or any related stipulation
105 or order in effect, as determined by the Commissioner of Education: (1)
106 The Board of Trustees of the Community-Technical Colleges on behalf
107 of a regional community-technical college, (2) the Board of Trustees of
108 the Connecticut State University System on behalf of a state university,
109 (3) the Board of Trustees for The University of Connecticut on behalf of
110 the university, (4) the board of governors for an independent institution
111 of higher education, as defined in subsection (a) of section 10a-173, or
112 the equivalent of such a board, on behalf of the independent institution
113 of higher education, and (5) any other third-party not-for-profit
114 corporation approved by the Commissioner of Education, shall be
115 eligible to apply for and accept grants for a school building project, as
116 defined in section 10-282, as provided in chapter 173, and may be
117 eligible for reimbursement, except as otherwise provided for, up to
118 eighty per cent of the eligible cost of [any capital expenditure for the
119 purchase, construction, extension, replacement, leasing or major
120 alteration of] the school building project for an interdistrict magnet
121 school [facilities] facility, including any expenditure for the purchase of
122 equipment, in accordance with this section. To be eligible for
123 reimbursement under this section a [magnet school construction
124 project] school building project for an interdistrict magnet school facility
125 shall meet the requirements for a school building project established in
126 chapter 173, except that the Commissioner of Administrative Services,
127 in consultation with the Commissioner of Education, may waive any
128 requirement in said chapter for good cause. [On and after July 1, 2011,
129 the Commissioner of Administrative Services shall approve only
130 applications for reimbursement under this section that the
131 Commissioner of Education finds will reduce racial, ethnic and
132 economic isolation. Applications for reimbursement under this section
133 for the construction of new interdistrict magnet schools shall not be
134 accepted until the Commissioner of Education develops a
135 comprehensive state-wide interdistrict magnet school plan, in

136 accordance with the provisions of subdivision (1) of subsection (b) of
137 section 10-264l, unless the Commissioner of Education determines that
138 such construction will assist the state in meeting its obligations pursuant
139 to the decision in Sheff v. O'Neill, 238 Conn. 1 (1996), or any related
140 stipulation or order in effect, as determined by the Commissioner of
141 Education.]

142 (b) Subject to the provisions of subsection (a) of this section, the
143 applicant shall receive current payments of scheduled estimated eligible
144 project costs for the interdistrict magnet school facility, provided (1) the
145 applicant files an application for a school building project, in accordance
146 with section 10-283, by the date prescribed by the Commissioner of
147 [Education] Administrative Services, (2) final plans and specifications
148 for the project are approved pursuant to sections 10-291, as amended by
149 this act, and 10-292, and (3) such [district] applicant submits to the
150 Commissioner of Education, in such form as the commissioner
151 prescribes, and the commissioner approves a plan for the operation of
152 the facility which includes, but need not be limited to: A description of
153 the educational programs to be offered, the completion date for the
154 project, an estimated budget for the operation of the facility, written
155 commitments for participation from the districts that will participate in
156 the school and an analysis of the effect of the program on the reduction
157 of racial, ethnic and economic isolation. The Commissioner of Education
158 shall notify the Commissioner of Administrative Services and the
159 secretary of the State Bond Commission when the provisions of
160 [subdivisions (1) and] subdivision (3) of this subsection have been met.
161 Upon application to the Commissioner of [Education] Administrative
162 Services, compliance with the provisions of [subdivisions (1) and]
163 subdivision (3) of this subsection and after authorization by the General
164 Assembly pursuant to section 10-283, the applicant shall be eligible to
165 receive progress payments in accordance with the provisions of section
166 10-287i, as amended by this act.

167 (c) (1) If the school building ceases to be used as an interdistrict
168 magnet school facility and the grant was provided for the purchase or
169 construction of the facility, the Commissioner of Administrative

170 Services, in consultation with the Commissioner of Education, shall
171 determine whether (A) title to the building and any legal interest in
172 appurtenant land shall revert to the state, or (B) the school district shall
173 reimburse the state an amount equal to the difference between the
174 amount received pursuant to this section and the amount the district
175 would have been eligible to receive based on the percentage determined
176 pursuant to section 10-285a, as amended by this act, multiplied by the
177 estimated eligible project costs.

178 (2) If the school building ceases to be used as an interdistrict magnet
179 school facility and the grant was provided for the extension or major
180 alteration of the facility, the school district shall reimburse the state the
181 amount determined in accordance with subparagraph (B) of subdivision
182 (1) of this subsection. A school district receiving a request for
183 reimbursement pursuant to this subdivision shall reimburse the state
184 not later than the close of the fiscal year following the year in which the
185 request is made. If the school district fails to so reimburse the state, the
186 Department of Administrative Services may request the Department of
187 Education to withhold such amount from the total sum which is paid
188 from the State Treasury to such school district or the town in which it is
189 located or, in the case of a regional school district, the towns which
190 comprise the school district. If the amount paid from the State Treasury
191 is less than the amount due, the Department of Administrative Services
192 shall collect such amount from the school district.

193 (d) The Commissioner of Administrative Services shall provide for a
194 final audit of all project expenditures pursuant to this section and may
195 require repayment of any ineligible expenditures, except that the
196 Commissioner of Administrative Services may waive any audit
197 deficiencies found during a final audit of all project expenditures
198 pursuant to this section if the Commissioner of Administrative Services
199 determines that granting such waiver is in the best interest of the state.

200 Sec. 5. (NEW) (*Effective July 1, 2022*) (a) Not later than January 1, 2023,
201 and every five years thereafter, the Capitol Region Education Council
202 shall adopt a long-range plan of capital improvement and school

203 building project priorities and goals for interdistrict magnet school
204 facilities that will assist the state in meeting its obligations pursuant to
205 the decision in *Sheff v. O'Neill*, 238 Conn. 1 (1996), or any related
206 stipulation or order in effect. The plan shall include a summary of
207 activities related to school building projects, capital improvements and
208 capital equipment pursuant to subsection (b) of this section. Upon
209 adoption of the plan, the center shall submit the plan to the Department
210 of Administrative Services and the department shall file the plan
211 directly with the joint standing committees of the General Assembly
212 having cognizance of matters relating to education, finance, revenue
213 and bonding, and appropriations in accordance with the provisions of
214 section 11-4a of the general statutes.

215 (b) The center shall maintain a rolling three-year school building
216 project and capital improvement and capital equipment plan that
217 identifies: (1) The expected school building projects, capital
218 improvements and capital equipment for each interdistrict magnet
219 school facility operated by the center, and the anticipated cost of such
220 projects, improvements and equipment; and (2) the specific equipment
221 each interdistrict magnet school facility is expected to need, based on
222 the useful life of existing equipment and projections of changing
223 technology and the estimated cost of the equipment. The center shall
224 annually submit such plan to the Department of Administrative
225 Services and the department shall file such plan directly with the joint
226 standing committees of the General Assembly having cognizance of
227 matters relating to education, finance, revenue and bonding, and
228 appropriations and the budgets of state agencies in accordance with the
229 provisions of section 11-4a of the general statutes.

230 Sec. 6. Section 10-285a of the general statutes is amended by adding
231 subsection (k) as follows (*Effective July 1, 2022*):

232 (NEW) (k) For all projects authorized on or after July 1, 2024, the
233 percentage determined for any school building project for a local or
234 regional board of education pursuant to this section shall be increased
235 by five percentage points if the contractor who has been awarded the

236 contract for such school building project reserves a portion equivalent
 237 to not less than twelve and one-half per cent of the total value of the
 238 contract or the portion set aside pursuant to subparagraph (A) of
 239 subdivision (3) of subsection (b) of section 4a-60g, for awards to
 240 subcontractors who are minority business enterprises, as defined in
 241 section 4a-60g.

242 Sec. 7. Section 10-287i of the general statutes is repealed and the
 243 following is substituted in lieu thereof (*Effective July 1, 2022*):

244 A grant under this chapter for any school building project authorized
 245 by the General Assembly on or after July 1, 1996, or for any project for
 246 which application is made pursuant to subsection (b) of section 10-283,
 247 on or after July 1, 1997, shall be paid as follows: Applicants shall request
 248 progress payments for the state share of eligible project costs calculated
 249 pursuant to sections 10-65, 10-76e and 10-286, at such time and in such
 250 manner as the Commissioner of Administrative Services shall prescribe
 251 provided no payments shall commence until the applicant has filed a
 252 notice of authorization of funding for the local share of project costs, and
 253 provided further no payments other than those for architectural
 254 planning and site acquisition shall be made prior to approval of the final
 255 architectural plans pursuant to section 10-292. For any project
 256 authorized on or after July 1, 2024, the Department of Administrative
 257 Services shall withhold five per cent of a grant if the commissioner
 258 determines that the applicant has failed to comply with the provisions
 259 of subdivision (3) of subsection (b) of section 4a-60g relating to minority
 260 business enterprises. The Department of Administrative Services shall
 261 withhold eleven per cent of a grant pending completion of an audit
 262 pursuant to section 10-287 provided, if the department is unable to
 263 complete the required audit within six months of the date a request for
 264 final payment is filed, the applicant may have an independent audit
 265 performed and include the cost of such audit in the eligible project costs.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section

Sec. 2	<i>July 1, 2022</i>	10-292r(b)
Sec. 3	<i>July 1, 2022</i>	10-291(b)
Sec. 4	<i>July 1, 2022</i>	10-264h
Sec. 5	<i>July 1, 2022</i>	New section
Sec. 6	<i>July 1, 2022</i>	10-285a
Sec. 7	<i>July 1, 2022</i>	10-287i

ED *Joint Favorable Subst. C/R*

FIN

FIN *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 23 \$	Out Years \$
Treasurer, Debt Serv.	GF - Future Cost	See Below	259 million

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 23 \$	Out Years \$
Various Municipalities	Future Revenue Gain	See Below	184 million

Explanation

The bill approves a net increase of \$184 million in state grant commitments for school construction projects, which represents potential revenue gain for the specified municipalities. The grants-in-aid will be financed through the issuance of General Obligation (GO) bonds in future fiscal years. The bill does not authorize new GO bonds. The projected debt service cost to the General Fund to issue \$184 million of GO bonds at market rates is \$259 million.

The bill changes statute regarding eligibility for school construction projects for interdistrict magnet schools. To the extent additional projects are approved, there may be increased future costs through the school construction GO bonds. The impact of additional projects on the school construction priority list will be reflected when such projects are considered by the legislature in the future.

The bill has the potential to increase reimbursement rates by 5

percentage points or withhold 5 percent of reimbursement for school construction projects exceeding or missing certain contractor standards. To the extent this changes future reimbursement rates, there would be a commensurate change in revenue gain to relevant municipalities and change in debt service for the State.

The Out Years

The ongoing fiscal impact identified above will continue into the future subject to project completion, successful application for reimbursement, and the costs of borrowing.

OLR Bill Analysis**sSB 429****AN ACT CONCERNING AUTHORIZATION OF STATE GRANT COMMITMENTS FOR SCHOOL BUILDING PROJECTS AND REVISIONS TO THE SCHOOL BUILDING PROJECTS STATUTES.**

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[§§ 2 & 3 — CLASSROOM WINDOW REQUIREMENT](#)

Requires certain school building projects on any list DAS submits to the General Assembly beginning July 1, 2023, include at least one window in each classroom that can be opened and used as a means of escape during an emergency; specifies that the state's school safety infrastructure criteria must address a similar requirement

[§ 4 — MAGNET SCHOOLS AND SCHOOL CONSTRUCTION GRANTS](#)

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[§ 5 — CAPITOL REGION EDUCATION COUNCIL \(CREC\) LONG-RANGE CAPITAL IMPROVEMENT PLAN](#)

Requires CREC to adopt, every five years, a long-range plan of capital improvement and school building project priorities for magnet schools and a rolling three-year capital plan; requires the plans be submitted to DAS, which in turn submits them to the legislature

[§§ 6 & 7 — PENALTY AND INCENTIVE FOR SCHOOL CONSTRUCTION PROJECTS USING MINORITY ENTERPRISE \(MBE\) SET-ASIDE GOALS](#)

Creates both a financial incentive and a penalty for school construction projects, depending upon whether they meet or fail to meet MBE set-aside goals

BACKGROUND**§ 1 — SCHOOL CONSTRUCTION GRANT COMMITMENTS**

Authorizes nine school construction state grant commitments totaling \$135.69 million toward total project costs of \$537.68 million; reauthorizes one technical high school project with an additional state grant commitment of \$48.67 million, which matches the additional estimated project cost

This bill authorizes nine school construction state grant commitments totaling \$135.69 million toward total estimated project costs of \$537.68 million. It also reauthorizes one technical high school renovation project that has changed substantially in scope and cost with an additional state grant commitment of \$48.67 million, which matches the additional estimated project cost.

Under the state school construction grant program, the state reimburses towns and local districts for a percentage of eligible school construction costs through state GO bonds (with less wealthy municipalities receiving a higher reimbursement). The municipalities pay the remaining costs.

For the state-operated Connecticut Technical Education and Career System, also known as the technical high schools, the state pays 100% of the project costs.

For each project authorized by the bill, the table below shows the district, school, project type, estimates for total cost and state grant commitment, and state reimbursement rate.

2022 School Construction Grant Commitments

<i>District</i>	<i>School</i>	<i>Project Type</i>	<i>Estimated Project Costs</i>	<i>Estimated Grant</i>	<i>Reimbursement Rate</i>
Farmington	Farmington High School	New	\$131,666,047	\$24,924,383	18.93%
Stamford	Westhill High School	New	257,938,824	51,587,765	20%
Stamford	Stamford Early Childhood Center	New	51,740,423	10,348,085	20%

Granby	Granby Memorial High School	Alteration	3,486,378	1,319,943	37.86%
Hamden	Hamden Middle School	Extension/ alteration; diversity school	17,100,000	13,680,000	80%
Manchester	Keeney Elementary School	Renovation	23,800,000	15,810,340	66.43%
Milford	Pumpkin Delight Elementary School	Extension/ alteration	15,060,750	5,593,563	37.14%
Simsbury	Latimer Lane School	Renovation	36,792,406	12,351,211	33.57%
Regional District 7	Regional School District No. 7, Agricultural Education Center	Vo-ag equipment	100,000	80,000	80%
Totals			\$537,684,828	\$135,695,290	

Reauthorized Project

The bill also reauthorizes, with a change in cost and scope, the proposal for Bullard-Havens Technical High School located in Bridgeport. The reauthorization changes it from an extension and alteration project with an estimated total project cost of \$139,447,195 to a new construction project with an estimated cost of \$188,122,766. This is a \$48.67 million increase that the state pays in full.

The Bullard-Havens proposal was originally authorized by PA 05-6, June Special Session (JSS), as an extension and alteration project with an estimated total project cost of \$27,331,000. Then, PA 15-3, JSS, reauthorized the project with a new estimated cost of \$60,383,000. Last year Bullard-Havens was reauthorized again by PA 21-111, § 113, with a new estimated cost of \$139,447,195.

EFFECTIVE DATE: Upon passage

§§ 2 & 3 — CLASSROOM WINDOW REQUIREMENT

Requires certain school building projects on any list DAS submits to the General Assembly beginning July 1, 2023, include at least one window in each classroom that can be opened and used as a means of escape during an emergency; specifies that the state's school safety infrastructure criteria must address a similar requirement

The bill adds a requirement that windows with opening capability be included in all school building projects for new construction, extension, major alteration, renovation, or replacement on any Department of Administrative Services (DAS) project list submitted to the General Assembly beginning July 1, 2023. It does so by prohibiting DAS from approving any school building project plan that does not provide for at least one window in each classroom that can be opened and used as a means of escape during an emergency, in accordance with the school safety infrastructure criteria required under law. By law, all school building projects seeking state assistance must first have their plans and sites approved by DAS, among others.

Under existing law, the School Safety Infrastructure Council (SSIC) must develop school safety infrastructure criteria for the state's school building projects program and school security infrastructure competitive grant program. The criteria must conform to industry standards for school building safety infrastructure and address certain specified areas such as closed-circuit television monitoring use and penetration-resistant vestibules. The bill specifies that the criteria must also address, by July 1, 2022, a requirement that all classrooms have at least one window that can be opened and used as a means of escape during an emergency. (It is not clear how the SSIC criteria can be revised by July 1, 2022 when that is the effective date of this new requirement.)

EFFECTIVE DATE: July 1, 2022

§ 4 — MAGNET SCHOOLS AND SCHOOL CONSTRUCTION GRANTS

Eliminates a provision limiting DAS's approval of magnet school construction projects to ones found to reduce racial, ethnic, and economic isolation

The bill eliminates a provision requiring the DAS commissioner to only approve school construction grant applications for interdistrict magnet school projects if the State Department of Education (SDE)

commissioner finds the school will reduce racial, ethnic, and economic isolation. Under existing law, unchanged by the bill, SDE only approves magnet school funding if the school will reduce racial, ethnic, and economic isolation (CGS § 10-264l).

The bill also makes conforming and technical changes, including deleting an obsolete moratorium provision on grant applications for the construction of new magnet schools.

EFFECTIVE DATE: July 1, 2022

§ 5 — CAPITOL REGION EDUCATION COUNCIL (CREC) LONG-RANGE CAPITAL IMPROVEMENT PLAN

Requires CREC to adopt, every five years, a long-range plan of capital improvement and school building project priorities for magnet schools and a rolling three-year capital plan; requires the plans be submitted to DAS, which in turn submits them to the legislature

Long-Range Plan

The bill requires CREC to adopt, by January 1, 2023, and every five years after, a long-range plan of capital improvement and school building project priorities and goals for magnet school facilities that will help the state address its obligations under the *Sheff* court decision and related stipulations and orders. The plan must include a summary of activities related to school building projects, capital improvements, and capital equipment included in a rolling three-year school building plan that is required by the bill.

Upon adoption of the long-range plan, CREC must submit it to DAS, and the department must file it directly with the Appropriations, Education, and Finance, Revenue and Bonding committees.

Rolling Three-Year Plan

The bill requires CREC to maintain a rolling three-year school building project, capital improvement, and equipment plan that identifies the (1) expected school building projects, capital improvements, and capital equipment for each CREC magnet school facility and their anticipated cost and (2) specific equipment each magnet school is expected to need and the estimated cost, based on the

useful life of existing equipment and changing technology projections.

It also requires CREC to annually submit the plan to DAS, and the department must file it directly with the Appropriations, Education, and Finance, Revenue, and Bonding committees.

EFFECTIVE DATE: July 1, 2022

§§ 6 & 7 — PENALTY AND INCENTIVE FOR SCHOOL CONSTRUCTION PROJECTS USING MINORITY ENTERPRISE (MBE) SET-ASIDE GOALS

Creates both a financial incentive and a penalty for school construction projects, depending upon whether they meet or fail to meet MBE set-aside goals

Penalty (§ 7)

Under the state set-aside program, state agencies (municipal projects are addressed through the contractors, see below) must set aside at least 25% of the total value of all contracts they let for construction, goods, and services each fiscal year for exclusive bidding by certified small contractors. The agencies must further reserve at least 25% of the set-aside value (i.e., at least 6.25% of the total) for exclusive bidding by certified MBEs. Contractors awarded municipal public works contracts must comply with these requirements if the (1) contract includes state financial assistance and (2) total contract value exceeds \$50,000.

By law, a “small contractor” is a business that (1) maintains its principal place of business in Connecticut, (2) had gross revenues of \$20 million or less during its most recent fiscal year, and (3) is independent. MBEs are small contractors owned by women, minorities, or people with disabilities. The owner must have managerial and technical competence and experience directly related to his or her principal business activities. In addition to set-aside requirements, the existing law requires nondiscrimination and affirmative action provisions be included in municipal public works contracts (as well as state contracts) (CGS §4a-60g).

The bill requires, starting with projects authorized on or after July 1, 2024, DAS to withhold 5% of a school construction reimbursement grant

if the DAS commissioner determines that the applicant has failed to comply with the provisions of state set-aside law for MBEs. (The bill places the burden to meet the MBE requirement on the town applying for school construction funds, but existing law places the MBE requirement on the project contractor, not the town.)

Incentive (§ 6)

The bill creates an increased school construction reimbursement grant of five additional percentage points for projects where the project contractor has reserved (1) at least 12.5% of the total value of the contract or (2) the portion set aside required by state MBE set-aside law (i.e, 6.25% of the state’s assistance for the project) for awards to MBE subcontractors. This incentive begins for board of education-sponsored school building projects authorized on or after July 1, 2024.

Under state law governing school construction reimbursement grants, a town is assigned a state reimbursement percentage based on town property wealth (CGS § 10-285a). For example, if a town has a 50% reimbursement rate and qualified under this incentive, it’s reimbursement rate would increase from 50% to 55%.

EFFECTIVE DATE: July 1, 2022

BACKGROUND

Related Bills

sSB 428, favorably reported by the Education Committee, eliminates the SSIC and generally reassigns its duties to the School Building Projects Advisory Council (see §§ 6 & 7).

SB 485, favorably reported by the Finance, Revenue and Bonding Committee, similarly requires CREC to develop capital plans.

COMMITTEE ACTION

Education Committee

Joint Favorable Substitute Change of Reference - FIN
Yea 39 Nay 0 (03/25/2022)

Finance, Revenue and Bonding Committee

Joint Favorable

Yea 51 Nay 0 (04/06/2022)