



General Assembly

Substitute Bill No. 429

February Session, 2022



**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 10-264*l*, 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 |

Statement of Legislative Commissioners:

In Section 6, "not less than" was added for clarity.

ED

Joint Favorable Subst. C/R

FIN