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## OLR Bill Analysis

### sSB 5 (File 201, as amended by Senate "A")\*

#### **AN ACT CONCERNING SCHOOL RESOURCES.**

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*Delays the start date, from July 1, 2024, to July 1, 2026, for when DAS cannot award an HVAC grant to an applicant that is not compliant with the inspection requirement*

#### **SUMMARY**

This bill makes various unrelated changes to education law. A section-by-section analysis follows.

\*Senate Amendment "A" strikes all the provisions of the underlying bill except for the one making children in Medicaid eligible for Care 4 Kids. It adds provisions:

1. expanding the Open Choice pilot program for Norwalk and Danbury;
2. requiring the social services and early childhood commissioners to enter a memorandum of understanding to share Medicaid enrollment data for people applying to Care 4 Kids;
3. pushing out the start date for SDE's wholesome school meals pilot grant program to FY 25;
4. extending, from January 1, 2025, to June 30, 2031, the deadline for local and regional boards of education (i.e., "school boards") to complete a uniform inspection and evaluation of their school buildings' heating, ventilation, and air conditioning (HVAC); and
5. extending the deadline, from July 1, 2024, to January 1, 2031, for the school indoor air quality working group to submit its final report.

EFFECTIVE DATE: July 1, 2024, except that the provision on the indoor air quality working group is effective upon passage.

### **§ 1 — INCLUDING MEDICAID CHILDREN IN CARE 4 KIDS**

*Expands eligibility for the Care 4 Kids program to include parents or guardians of children who are enrolled in Medicaid and adds them to the priority intake and eligibility list*

The bill expands Care 4 Kids program eligibility to parents or guardians of children who are enrolled in Medicaid and adds them to the existing priority intake and eligibility list. Under current law, to be eligible, a family must have a parent or caretaker who is working or attending high school or enrolled or participating in (1) a job training or employment program, (2) a Department of Labor-administered apprenticeship program, (3) an institution of higher education, or (4) one of several other education or career pathways. The bill makes the

parents or guardians of a child enrolled in Medicaid eligible without any of the work, job-training, or education requirements.

Under current law, the maximum income level to be eligible for the Care 4 Kids program is 60% of the state median income (SMI) and income eligibility for Medicaid is 196% of the federal poverty level (FPL) for a child. Therefore, on the income criteria, any family with a child that qualifies for Medicaid would also be eligible for Care 4 Kids (see BACKGROUND).

Care 4 Kids provides a child care subsidy to eligible parents and caretakers.

**Background — Income Eligibility**

**Table: Selected Annual SMI and FPL Table\***

Family Size	1	2	3	4
60% SMI	\$41,553	\$54,338	\$67,124	\$79,910
196% FPL	29,517	40,062	50,607	61,152

\*SMI from CT Department of Social Services, September 2023, and FPL provided for 2024 by U.S. Department of Health and Human Services

**§§ 2-3 — OPEN CHOICE PROGRAM FOR NORWALK**

*Expands the Open Choice pilot program for Norwalk by making it ongoing and allowing students who reside in Darien, New Canaan, Wilton, Weston, and Westport to attend public school in Norwalk*

The bill expands the Open Choice pilot program for Norwalk by making it ongoing every year and allowing students who reside in Darien, New Canaan, Wilton, Weston, and Westport to attend public school in Norwalk. Under current law, for the school year beginning July 1, 2022, up to 50 students who live in Norwalk could attend public school in Darien, New Canaan, Wilton, Weston, and Westport. Under the bill, which applies to the school year beginning July 1, 2024, and each following year, up to 50 students from Norwalk can go to school in those five districts and vice versa.

The bill also makes the program ongoing, rather than just the school year beginning July 1, 2022, for 50 students from Danbury who can attend public schools in New Fairfield, Brookfield, Bethel, Ridgefield,

and Redding.

Under the bill, school districts that receive students under this program must allow students to attend school in their district until they graduate from high school.

Open Choice is a voluntary interdistrict attendance program that allows students primarily from the Hartford, New Haven, and Bridgeport districts to attend suburban school districts, and vice versa, on a space-available basis. By law, Open Choice state grants range from \$3,000 to \$8,000 minimum per student, with larger grants for districts that enroll a higher percentage of Open Choice students.

The bill makes conforming changes and removes obsolete language.

#### **§ 4 — MEDICAID ENROLLMENT DATA SHARE**

*Requires the social services and early childhood commissioners to enter into an MOU to share Medicaid enrollment data for people applying to Care 4 Kids*

The bill requires the social services and early childhood commissioners to enter into a memorandum of understanding (MOU) to share, to the extent federal law permits, Medicaid enrollment data between the Department of Social Services and the Office of Early Childhood (OEC) for Medicaid enrollees seeking to enroll in Care 4 Kids. The commissioners must do this by January 1, 2026.

The bill specifies that OEC can only use the Medicaid enrollment data to help people in the Care 4 Kids application process by minimizing the information that these individuals must submit during the application process.

Care 4 Kids is a child care subsidy program for low-income families (see § 1).

#### **§ 5 — WHOLESOME SCHOOL MEALS**

*Pushes out the start date of the grant to FY 25; specifies SDE may award up to five grants; extends the deadline for the final report to the Appropriations and Education committees*

The bill pushes out the start date for SDE's wholesome school meals pilot program, which awards five grants to embed a professional chef in

five alliance school districts. Under current law, the pilot is administered for FYs 24 to 26 and the bill changes this to FYs 25 to 27. It also removes from law the October 1, 2023, deadline to apply for the grant.

Under the program the chef must help school meal programs build food service staff capacity, improve meal quality, increase diner satisfaction, streamline operations, and establish a financially viable school meal program.

The bill also specifies that SDE may award up to five grants. Under current law they are required to award five grants. Unchanged from current law, each grant recipient must receive an annual \$150,000 grant in each year of the pilot.

The bill also extends the deadline for SDE to report on the school meals pilot program to the Appropriations and Education committees from January 1, 2027, to January 1, 2028.

## **§ 6 — SCHOOL INDOOR AIR QUALITY WORKING GROUP**

*Extends the deadline for the indoor air quality working group; adds members to the group; and expands the group's mission*

The bill extends the deadline, from July 1, 2024, to January 1, 2031, for the school indoor air quality working group to submit its final report to the governor and the Education, Labor and Public Employees, and Public Health committees. It also requires annual progress reports from the working group, with the first due by January 1, 2025, until January 1, 2030. The final report is due January 1, 2031, and the group terminates on July 1, 2030, or when it submits its final report, whichever is later.

### ***Additional Members and Additional Qualifiers***

The bill adds two members to the current 23-member group. Under the bill, the Senate majority leader, who currently appoints two members, gets a third appointment who must be a school building official with experience in operations and finance, infrastructure renewal, and project management.

The House majority leader, who currently has two appointments,

also gets a third appointment who must be a representative of the Capitol Region Council of Governments.

The bill replaces a representative of the Associated Sheet Metal and Roofing Contractors of Connecticut with a representative of the Connecticut Chapter of the Sheet Metal and Air Conditioning Contractors' National Association, which is one of the three Senate president pro tempore appointments. It also specifies that the House minority leader's industrial hygienist appointment must be from the UConn Health Center.

### **Group Charge**

Under existing law, the group must make recommendations to the legislature on a range of issues related to school indoor air quality, including (1) criteria for rating the priority of HVAC repair and remediation needs, (2) optimal HVAC performance benchmarks to minimize the spread of infectious disease, and (3) best practices for the proper maintenance of HVAC systems.

The bill additionally requires the group to recommend best practice and guidance for:

1. conducting HVAC system uniform inspections and evaluations, including (a) the addition of appropriate professionals to do this work, (b) which professionals may perform certain portions of the uniform inspection and evaluation, and (c) the timing and manner of the inspections, and
2. procuring these services.

The bill also requires the group to make recommendations on a model request for proposals that school boards can use when procuring inspection and evaluation services.

### **§ 7 — HVAC INSPECTION AND EVALUATION**

*Extends the deadline for school boards to complete an inspection and evaluation of their HVAC systems from January 1, 2025, to June 30, 2031*

The bill extends, from January 1, 2025, to June 30, 2031, the deadline

for school boards to complete a uniform inspection and evaluation of their school buildings' HVAC systems required by law (see *Background – School HVAC Inspections*). Beginning July 1, 2026, school boards must conduct the inspection and evaluation in at least 20% of their schools each year until all schools in the district are inspected. It also requires that each school building be inspected again every five years.

Current law requires school boards to complete the uniform HVAC system inspection and evaluation in each school before January 1, 2025, and then every five years.

Like current law, the bill allows DAS to grant a waiver from the inspection requirement, upon a school board's request, if the department finds (1) there is an insufficient number of certified testing, adjusting, and balancing technicians; industrial hygienists certified by the American Board of Industrial Hygiene or the Board for Global EHS Credentialing; or mechanical engineers to perform the inspections and evaluations or (2) the board has scheduled the inspection for a date after the inspection deadline. Specifically, the bill allows DAS to grant a waiver of up to one year from the five-year deadline and the requirement to inspect at least 20% of a district's schools each year. Current law allows a one-year waiver and requires that the inspection be scheduled for after January 1, 2025.

## **§ 8 — STATE GRANTS FOR HVAC INSPECTIONS**

*Delays the start date, from July 1, 2024, to July 1, 2026, for when DAS cannot award an HVAC grant to an applicant that is not compliant with the inspection requirement*

Starting July 1, 2024, current law prohibits the DAS commissioner from awarding grants for HVAC or indoor air quality improvements to school districts that have not certified compliance with the law's inspection and evaluation requirements. The bill delays the start of this prohibition to July 1, 2026. Presumably, if a district applies during the 2026 to 2031 time period, it will have to certify that it met the threshold percentage of inspecting at least 20% of its schools each year (see above).

The law allows school boards or regional educational service centers (RESC) to apply for the grants to reimburse costs for projects to install,

replace, or upgrade HVAC systems or related improvements. The school board may receive a reimbursement grant for 20%-80% of its eligible expenses, based on its town ranking among all Connecticut towns using property wealth as a measure. As with the school construction grant program, less wealthy towns receive a higher reimbursement rate. RESCs are reimbursed under a similar method that reflects the wealth of the towns served by the RESC.

***Background — School HVAC Inspections***

By law, the HVAC system inspection and evaluation must include the following:

1. testing for maximum filter efficiency;
2. measuring outside air rate;
3. verifying ventilation components' operation;
4. measuring air distribution through all inlets and outlets;
5. verifying unit operation and performance of required maintenance in accordance with American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) standards;
6. verifying control sequences;
7. verifying carbon dioxide sensors and acceptable carbon dioxide indoor air concentrations; and
8. collecting field data (if none exist) for installing mechanical ventilation.

The inspection and evaluation must identify the extent to which each school's current ventilation system, including any existing central or noncentral mechanical ventilation system, is operating to provide appropriate ventilation to the school building according to ASHRAE's most recent indoor ventilation standards. The inspection and evaluation must result in a written report that includes any corrective actions



needed for the mechanical ventilation system or the HVAC infrastructure.

**COMMITTEE ACTION**

Education Committee

Joint Favorable Substitute

Yea 43 Nay 1 (03/18/2024)