



General Assembly

**Substitute Bill No. 5052**

February Session, 2024



**AN ACT SUPPORTING SOLAR ENERGY IN SCHOOLS.**

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

1 Section 1. Subsection (b) of section 10-286 of the 2024 supplement to  
2 the general statutes is repealed and the following is substituted in lieu  
3 thereof (*Effective July 1, 2024*):

4 (b) (1) In the case of all grants computed under this section for a  
5 project which constitutes a replacement, extension or major alteration of  
6 a damaged or destroyed facility, no grant may be paid if a local or  
7 regional board of education has failed to insure its facilities and capital  
8 equipment in accordance with the provisions of section 10-220. The  
9 amount of financial loss due to any damage or destruction to any such  
10 facility, as determined by ascertaining the replacement value of such  
11 damage or destruction, shall be deducted from project cost estimates  
12 prior to computation of the grant.

13 (2) (A) In the case of any grants computed under this section for a  
14 school building project authorized pursuant to section 10-283, as  
15 amended by this act, after July 1, 1979, but prior to July 1, 2023, any  
16 federal funds or other state funds received for such school building  
17 project shall be deducted from project costs prior to computation of the  
18 grant.

19 (B) In the case of any grants computed under this section for a school  
20 building project authorized pursuant to section 10-283, as amended by  
21 this act, after July 1, 2023, but prior to July 1, 2024, any other state funds  
22 received for such school building project shall be deducted from project  
23 costs prior to computation of the grant.

24 (C) In the case of any grants computed under this section for a school  
25 building project authorized pursuant to section 10-283, as amended by  
26 this act, after July 1, 2024, any other state funds received for such school  
27 building project shall be deducted from project costs prior to  
28 computation of the grant. For purposes of this subparagraph, "other  
29 state funds" does not include any funds or benefit received pursuant to  
30 a program or initiative implemented pursuant to section 16-19f, 16-243y,  
31 16-244z, 16-245m or 16-245n.

32 (3) The calculation of grants pursuant to this section shall be made in  
33 accordance with the state standard space specifications in effect at the  
34 time of the final grant calculation, except that on and after July 1, 2005,  
35 in the case of a school district with an enrollment of less than one  
36 hundred fifty students in grades kindergarten to grade eight, inclusive,  
37 state standard space specifications shall not apply in the calculation of  
38 grants pursuant to this section and the Commissioner of Administrative  
39 Services, in consultation with the Commissioner of Education, may  
40 modify the standard space specifications for a project in such district.

41 Sec. 2. (NEW) (*Effective July 1, 2024*) (a) Not later than January 1, 2025,  
42 the Public Utilities Regulatory Authority shall initiate a docket to  
43 develop a program to encourage the installation of solar photovoltaic  
44 systems and energy storage systems at public schools. Notwithstanding  
45 any provision of section 16-244z or 16-243ee of the general statutes, the  
46 authority shall incorporate such program into the programs authorized  
47 pursuant to said sections. The authority may establish a separate tariff  
48 for projects selected under such program and may identify a reasonable  
49 cap, not to exceed twenty-five megawatts per year, on the annual  
50 capacity of projects under such program, provided the authority shall  
51 permit any unused allowance under such cap in any given year to

52 accrue. The megawatts available under such cap shall not count toward  
53 the number of total available megawatts under subparagraph (A) of  
54 subdivision (1) of subsection (c) of section 16-244z of the general  
55 statutes. Such program shall allow for an equal amount of solar  
56 photovoltaic and energy storage capacity.

57 (b) A proposal for a project under such program may base such  
58 project's capacity on an estimate of electricity usage on the customer side  
59 of the revenue meter that exceeds existing on-site usage at the time of  
60 such proposal to account for additional future uses of the electricity,  
61 including, but not limited to: (1) Electric vehicle charging stations, as  
62 determined by the authority; (2) providing electricity to an adjacent  
63 property, if the adjacent property and subject property are both owned  
64 by a government entity; (3) electricity-dependent heating and cooling  
65 systems; and (4) powering equipment used in the provision of food or  
66 equipment used to provide water for drinking or hygiene.

67 Sec. 3. Subsection (a) of section 10-283 of the general statutes is  
68 repealed and the following is substituted in lieu thereof (*Effective July 1,*  
69 *2024*):

70 (a) (1) Each town or regional school district shall be eligible to apply  
71 for and accept grants for a school building project as provided in this  
72 chapter. Any town desiring a grant for a public school building project  
73 may, by vote of its legislative body, authorize the board of education of  
74 such town to apply to the Commissioner of Administrative Services and  
75 to accept or reject such grant for the town. Any regional school board  
76 may vote to authorize the supervising agent of the regional school  
77 district to apply to the Commissioner of Administrative Services for and  
78 to accept or reject such grant for the district. Applications for such grants  
79 under this chapter shall be made by the superintendent of schools of  
80 such town or regional school district on the form provided and in the  
81 manner prescribed by the Commissioner of Administrative Services.  
82 The application form shall require the superintendent of schools to  
83 affirm that the school district considered the maximization of natural  
84 light, the use and feasibility of wireless connectivity technology, [and,]

85 on and after July 1, 2014, the school safety infrastructure criteria,  
86 described in section 10-292r, in projects for new construction and  
87 alteration or renovation of a school building, and, on and after July 1,  
88 2024, a solar feasibility assessment, described in section 4 of this act, in  
89 projects in any town or district where such town or district does not  
90 currently utilize solar energy at such school building. The  
91 Commissioner of Administrative Services shall review each grant  
92 application for a school building project for compliance with  
93 educational requirements and on the basis of categories for building  
94 projects established by the Commissioner of Administrative Services in  
95 accordance with this section. The Commissioner of Education shall  
96 evaluate, if appropriate, whether the project will assist the state in  
97 meeting its obligations pursuant to the decision in Sheff v. O'Neill, 238  
98 Conn. 1 (1996), or any related stipulation or order in effect, as  
99 determined by the Commissioner of Education. The Commissioner of  
100 Administrative Services shall consult with the Commissioner of  
101 Education in reviewing grant applications submitted for purposes of  
102 subsection (a) of section 10-65 or section 10-76e on the basis of the  
103 educational needs of the applicant. The Commissioner of  
104 Administrative Services shall review each grant application for a school  
105 building project for compliance with standards for school building  
106 projects pursuant to regulations, adopted in accordance with section 10-  
107 287c, and, on and after July 1, 2014, the school safety infrastructure  
108 criteria, described in section 10-292r. Notwithstanding the provisions of  
109 this chapter, the Board of Trustees of the Community-Technical  
110 Colleges on behalf of Quinebaug Valley Community College and Three  
111 Rivers Community College and the following entities that will operate  
112 an interdistrict magnet school that will assist the state in meeting its  
113 obligations pursuant to the decision in Sheff v. O'Neill, 238 Conn. 1  
114 (1996), or any related stipulation or order in effect, as determined by the  
115 Commissioner of Education, may apply for and shall be eligible to  
116 receive grants for school building projects pursuant to section 10-264h  
117 for such a school: (A) The Board of Trustees of the Community-  
118 Technical Colleges on behalf of a regional community-technical college,  
119 (B) the Board of Trustees of the Connecticut State University System on

120 behalf of a state university, (C) the Board of Trustees for The University  
121 of Connecticut on behalf of the university, (D) the board of governors  
122 for an independent institution of higher education, as defined in  
123 subsection (a) of section 10a-173, or the equivalent of such a board, on  
124 behalf of the independent institution of higher education, (E)  
125 cooperative arrangements pursuant to section 10-158a, and (F) any other  
126 third-party not-for-profit corporation approved by the Commissioner of  
127 Education.

128 (2) The Commissioner of Administrative Services shall assign each  
129 school building project to a category on the basis of whether such project  
130 is primarily required to: (A) Create new facilities or alter existing  
131 facilities to provide for mandatory instructional programs pursuant to  
132 this chapter, for physical education facilities in compliance with Title IX  
133 of the Elementary and Secondary Education Act of 1972 where such  
134 programs or such compliance cannot be provided within existing  
135 facilities or for the correction of code violations which cannot be  
136 reasonably addressed within existing program space; (B) create new  
137 facilities or alter existing facilities to enhance mandatory instructional  
138 programs pursuant to this chapter or provide comparable facilities  
139 among schools to all students at the same grade level or levels within  
140 the school district unless such project is otherwise explicitly included in  
141 another category pursuant to this section; and (C) create new facilities  
142 or alter existing facilities to provide supportive services, provided in no  
143 event shall such supportive services include swimming pools,  
144 auditoriums, outdoor athletic facilities, tennis courts, elementary school  
145 playgrounds, site improvement or garages or storage, parking or  
146 general recreation areas. All applications submitted prior to July first  
147 shall be reviewed promptly by the Commissioner of Administrative  
148 Services. The Commissioner of Administrative Services shall estimate  
149 the amount of the grant for which such project is eligible, in accordance  
150 with the provisions of section 10-285a, provided an application for a  
151 school building project determined by the Commissioner of Education  
152 to be a project that will assist the state in meeting its obligations  
153 pursuant to the decision in *Sheff v. O'Neill*, 238 Conn. 1 (1996), or any

154 related stipulation or order in effect, as determined by the  
155 Commissioner of Education, shall have until September first to submit  
156 an application for such a project and may have until December first of  
157 the same year to secure and report all local and state approvals required  
158 to complete the grant application. The Commissioner of Administrative  
159 Services shall annually prepare a listing of all such eligible school  
160 building projects listed by category together with the amount of the  
161 estimated grants for such projects and shall submit the same to the  
162 Governor, the Secretary of the Office of Policy and Management and the  
163 General Assembly on or before the fifteenth day of December, except as  
164 provided in section 10-283a, with a request for authorization to enter  
165 into grant commitments. On or before December thirty-first annually,  
166 the Secretary of the Office of Policy and Management may submit  
167 comments and recommendations regarding each eligible project on  
168 such listing of eligible school building projects to the school construction  
169 committee, established pursuant to section 10-283a. Each such listing  
170 shall include a report on the following factors for each eligible project:  
171 (i) An enrollment projection and the capacity of the school, (ii) a  
172 substantiation of the estimated total project costs, (iii) the readiness of  
173 such eligible project to begin construction, (iv) efforts made by the local  
174 or regional board of education to redistrict, reconfigure, merge or close  
175 schools under the jurisdiction of such board prior to submitting an  
176 application under this section, (v) enrollment and capacity information  
177 for all of the schools under the jurisdiction of such board for the five  
178 years prior to application for a school building project grant, (vi)  
179 enrollment projections and capacity information for all of the schools  
180 under the jurisdiction of such board for the eight years following the  
181 date such application is submitted, and (vii) the state's education  
182 priorities relating to reducing racial and economic isolation for the  
183 school district. On and after July 1, 2022, each such listing shall include  
184 an addendum that contains all grants approved pursuant to subsection  
185 (b) of this section during the prior fiscal year. For the period beginning  
186 July 1, 2006, and ending June 30, 2012, no project, other than a project  
187 for a technical education and career school, may appear on the separate  
188 schedule of authorized projects which have changed in cost more than

189 twice. On and after July 1, 2012, no project, other than a project for a  
190 technical education and career school, may appear on the separate  
191 schedule of authorized projects which have changed in cost more than  
192 once, except the Commissioner of Administrative Services may allow a  
193 project to appear on such separate schedule of authorized projects a  
194 second time if the town or regional school district for such project can  
195 demonstrate that exigent circumstances require such project to appear a  
196 second time on such separate schedule of authorized projects.  
197 Notwithstanding any provision of this chapter, no projects which have  
198 changed in scope or cost to the degree determined by the Commissioner  
199 of Administrative Services, in consultation with the Commissioner of  
200 Education, shall be eligible for reimbursement under this chapter unless  
201 it appears on such list. The percentage determined pursuant to section  
202 10-285a at the time a school building project on such schedule was  
203 originally authorized shall be used for purposes of the grant for such  
204 project. On and after July 1, 2006, a project that was not previously  
205 authorized as an interdistrict magnet school shall not receive a higher  
206 percentage for reimbursement than that determined pursuant to section  
207 10-285a at the time a school building project on such schedule was  
208 originally authorized. The General Assembly shall annually authorize  
209 the Commissioner of Administrative Services to enter into grant  
210 commitments on behalf of the state in accordance with the  
211 commissioner's categorized listing for such projects as the General  
212 Assembly shall determine. The Commissioner of Administrative  
213 Services may not enter into any such grant commitments except  
214 pursuant to such legislative authorization. Any regional school district  
215 which assumes the responsibility for completion of a public school  
216 building project shall be eligible for a grant pursuant to subdivision (5)  
217 or (6), as the case may be, of subsection (a) of section 10-286 when such  
218 project is completed and accepted by such regional school district.

219 (3) (A) All final calculations completed by the Department of  
220 Administrative Services for school building projects shall include a  
221 computation of the state grant for the school building project amortized  
222 on a straight line basis over a twenty-year period for school building

223 projects with costs equal to or greater than two million dollars and over  
224 a ten-year period for school building projects with costs less than two  
225 million dollars. Any town or regional school district which abandons,  
226 sells, leases, demolishes or otherwise redirects the use of such a school  
227 building project to other than a public school use during such  
228 amortization period shall refund to the state the unamortized balance of  
229 the state grant remaining as of the date the abandonment, sale, lease,  
230 demolition or redirection occurs. The amortization period for a project  
231 shall begin on the date the project was accepted as complete by the local  
232 or regional board of education. A town or regional school district  
233 required to make a refund to the state pursuant to this subdivision may  
234 request forgiveness of such refund if the building is redirected for public  
235 use. The Department of Administrative Services shall include as an  
236 addendum to the annual school construction priority list all those towns  
237 requesting forgiveness. General Assembly approval of the priority list  
238 containing such request shall constitute approval of such request. This  
239 subdivision shall not apply to projects to correct safety, health and other  
240 code violations or to remedy certified school indoor air quality  
241 emergencies approved pursuant to subsection (b) of this section or  
242 projects subject to the provisions of section 10-285c.

243 (B) If the board of governors for an independent institution of higher  
244 education, as defined in subsection (a) of section 10a-173, or the  
245 equivalent of such a board, on behalf of the independent institution of  
246 higher education, that operates an interdistrict magnet school makes  
247 private use of any portion of a school building in which such operator  
248 received a school building project grant pursuant to this chapter, such  
249 operator shall annually submit a report to the Commissioner of  
250 Education that demonstrates that such operator provides an equal to or  
251 greater than in-kind or supplemental benefit of such institution's  
252 facilities to students enrolled in such interdistrict magnet school that  
253 outweighs the private use of such school building. If the commissioner  
254 finds that the private use of such school building exceeds the in-kind or  
255 supplemental benefit to magnet school students, the commissioner may  
256 require such institution to refund to the state the unamortized balance



257 of the state grant.

258 (C) Any moneys refunded to the state pursuant to subparagraphs (A)  
259 and (B) of this subdivision shall be deposited in the state's tax-exempt  
260 proceeds fund and used not later than sixty days after repayment to pay  
261 debt service on, including redemption, defeasance or purchase of,  
262 outstanding bonds of the state the interest on which is not included in  
263 gross income pursuant to Section 103 of the Internal Revenue Code of  
264 1986, or any subsequent corresponding internal revenue code of the  
265 United States, as from time to time amended.

266 Sec. 4. (NEW) (*Effective July 1, 2024*) (a) For the purposes of this  
267 section:

268 (1) "Superintendent of schools" means a superintendent, as described  
269 in section 10-157 of the general statutes.

270 (2) "Entity" means an association, company, corporation,  
271 organization, partnership, sole proprietorship, trust, state agency or  
272 quasi-public agency.

273 (3) "Stage agency" has the same meaning as provided in section 1-79  
274 of the general statutes.

275 (4) "Quasi-public agency" has the same meaning as provided in  
276 section 1-120 of the general statutes.

277 (b) Not later than October 1, 2024, the superintendent of schools in  
278 each town or regional school district, as applicable, shall select an entity  
279 with experience in the field of solar energy to conduct a solar feasibility  
280 assessment. The purpose of such solar feasibility assessment shall be to  
281 provide information that is necessary to determine the feasibility of  
282 installing solar photovoltaic systems on the premises of one or more  
283 public schools in such town or district. Such solar feasibility assessment  
284 shall include the following information: (1) The annual load at the  
285 electric meters of such public schools' premises during the most recent  
286 calendar year; (2) the area of rooftop space and impervious surface that

287 is available to host a solar photovoltaic system; (3) available  
288 opportunities for interconnection with the electric distribution system;  
289 and (4) a description of anticipated costs, savings and contractual terms  
290 for such solar photovoltaic system or systems, including interconnection  
291 costs and electric bill credits.

292 (c) The superintendent of schools shall assist such entity in obtaining  
293 the information required pursuant to subsection (b) of this section.

294 (d) Upon completing the solar feasibility assessment, such entity shall  
295 submit such solar feasibility assessment to the superintendent of  
296 schools.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2024</i>	10-286(b)
Sec. 2	<i>July 1, 2024</i>	New section
Sec. 3	<i>July 1, 2024</i>	10-283(a)
Sec. 4	<i>July 1, 2024</i>	New section

**ET**      *Joint Favorable Subst.*

**APP**     *Joint Favorable*