



General Assembly

**Substitute Bill No. 1142**

*January Session, 2003*

**AN ACT CONCERNING SCHOOL CONSTRUCTION AND  
CONCERNING THE EFFECT OF THE SHEFF V. O'NEILL  
SETTLEMENT ON THE BONDING CAP.**

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

1 Section 1. Subsections (d) and (e) of section 10-283 of the general  
2 statutes are repealed and the following is substituted in lieu thereof  
3 (*Effective July 1, 2003*):

4 (d) No application for a school building project shall be accepted by  
5 the commissioner on or after July 1, 2002, unless the applicant has  
6 secured funding authorization for the local share of the project costs  
7 prior to application or notifies the commissioner that such  
8 authorization will be secured prior to the November fifteenth  
9 following the June thirtieth application deadline. If the applicant does  
10 not notify the commissioner by said November fifteenth that it has  
11 secured such authorization, such application shall not be included in  
12 the list of projects submitted to the Governor and General Assembly in  
13 December of that year. The reimbursement percentage for a project  
14 covered by this subsection shall reflect the rates in effect during the  
15 fiscal year in which such local funding authorization is secured.

16 (e) (1) For each such list submitted in December, 2003, and  
17 December, 2004, the total amount requested by the commissioner for  
18 grant commitments shall not exceed one billion dollars. In each such

19 list, the commissioner shall list the categories described in subdivision  
20 (2) of subsection (a) of this section in order of priority and shall list the  
21 projects within each category in order of priority. The commissioner  
22 shall comply with the limitation on grant commitments provided for  
23 under this subsection according to such priorities. Eligible projects that  
24 cannot be included on the list shall be included first on the list  
25 submitted the next following year. Projects shall be prioritized within  
26 each category based on the applicant's average school construction  
27 project costs authorized for state grant commitments pursuant to this  
28 section per enrolled pupil for the five-year period immediately  
29 preceding the fiscal year of the current application with the applicant  
30 with the lowest such average being assigned the first priority. In  
31 determining such average, projects that are authorized pursuant to  
32 section 10-264h and are for interdistrict magnet schools that are  
33 operated by a regional educational center shall not be included in  
34 project costs or enrollment. Projects submitted pursuant to section 10-  
35 264h, those for regional vocational-technical schools and those  
36 necessary to preserve accreditation of a facility that has been placed on  
37 probation by the New England Association of Schools and Colleges  
38 shall have the highest priority.

39 (2) The provisions of subdivision (1) of this subsection shall not  
40 apply to any grant commitment for a school building project required  
41 to fulfill the provisions of the settlement agreement in the action Milo  
42 Sheff, et al. v. William A. O'Neill, et al., dated January 22, 2003, as  
43 determined by the commissioner.

44 Sec. 2. Subsection (a) of section 10-285f of the general statutes is  
45 repealed and the following is substituted in lieu thereof (*Effective July*  
46 *1, 2003*):

47 (a) Notwithstanding any provision of this chapter or any regulation  
48 adopted by the State Board of Education pursuant to this chapter, the  
49 State Board of Education may establish a pilot program for a period of  
50 three years that authorizes up to two school construction projects per  
51 year using a design-build contract and with the approval of the [State

52 Board] Commissioner of Education a town or regional school district  
53 may enter into a design-build contract for new school construction and  
54 shall be eligible to be considered for a grant commitment and progress  
55 payments from the state provided each design phase shall be reviewed  
56 and approved for compliance with all applicable codes by local  
57 authorities having jurisdiction over such codes. The provisions of  
58 section 10-287 relative to bidding all orders and contracts for school  
59 building construction shall not apply to any such project.

60 Sec. 3. Subsection (a) of section 10-285a of the general statutes is  
61 repealed and the following is substituted in lieu thereof (*Effective July*  
62 *1, 2003*):

63 (a) The percentage of school building project grant money a local  
64 board of education may be eligible to receive, under the provisions of  
65 section 10-286 shall be determined as follows: (1) Each town shall be  
66 ranked in descending order from one to one hundred sixty-nine  
67 according to such town's adjusted equalized net grand list per capita,  
68 as defined in section 10-261; (2) based upon such ranking, a percentage  
69 of not less than forty nor more than eighty shall be determined for each  
70 town on a continuous scale, except that for school building projects  
71 authorized by the General Assembly during the fiscal year ending June  
72 30, 1991, for all such projects so authorized thereafter and for grants  
73 approved pursuant to subsection (b) of section 10-283 for which  
74 application is made on and after July 1, 1991, the percentage of school  
75 building project grant money a local board of education may be  
76 eligible to receive, under the provisions of section 10-286 shall be  
77 determined as follows: (A) Each town shall be ranked in descending  
78 order from one to one hundred sixty-nine according to such town's  
79 adjusted equalized net grand list per capita, as defined in section 10-  
80 261; (B) based upon such ranking, a percentage of not less than twenty  
81 nor more than eighty shall be determined for each town on a  
82 continuous scale, provided the percentages determined pursuant to  
83 this subsection for priority school districts pursuant to section 10-266p  
84 shall be adjusted so that there is no more than twenty-five percentage  
85 points between the lowest percentage for a priority school district and

86 the highest percentage for a priority school district.

87 Sec. 4. Subsection (d) of section 10-285a of the general statutes is  
88 repealed and the following is substituted in lieu thereof (*Effective July*  
89 *1, 2003*):

90 (d) The percentage of school building project grant money a  
91 cooperative arrangement pursuant to section 10-158a, may be eligible  
92 to receive shall be determined by its ranking. Such ranking shall be  
93 determined by (1) multiplying the total population, as defined in  
94 section 10-261, of each town in the cooperative arrangement by such  
95 town's ranking, as determined in subsection (a) of this section, as  
96 amended by this act, (2) adding the products determined under  
97 subdivision (1) of this subsection, and (3) dividing the total computed  
98 under subdivision (2) of this subsection by the total population of all  
99 towns in the cooperative arrangement. The ranking of each  
100 cooperative arrangement shall be rounded to the next higher whole  
101 number and each such cooperative arrangement shall receive the same  
102 reimbursement percentage as would a town with the same rank plus  
103 ten percentage points, except that no such percentage shall exceed  
104 eighty-five per cent. On and after October 1, 2003, any cooperative  
105 arrangement shall include at least ninety per cent of the eligible  
106 students of all towns in the cooperative arrangement, unless such an  
107 arrangement includes a town that (A) has provided enrollment options  
108 at an incorporated or endowed high school or academy approved  
109 pursuant to section 10-34 for ten consecutive years immediately prior  
110 to the time of application to be considered part of a cooperative  
111 arrangement, and (B) has an agreement current at the time of such  
112 application to provide enrollment options at such high school or  
113 academy for nine years following such application, in which case such  
114 arrangement shall be considered a cooperative arrangement if at least  
115 fifty per cent of the eligible students from such town attend the  
116 cooperatively constructed school.

117 Sec. 5. (NEW) (*Effective July 1, 2003*) For any school building project  
118 authorized by the General Assembly on and after July 1, 2004, or any

119 other alteration of a classroom or other space where students learn,  
120 such classrooms and such spaces shall be constructed or altered in  
121 accordance with American Nations Standard: Acoustical Performance  
122 Criteria, Design Requirements and Guidelines for Schools, ANSI  
123 S12.60-2002. For purposes of this section, "alteration" means a change  
124 to any feature of a classroom that has a measurable effect on (1)  
125 background noise level, as defined in Section 3.2.2 of ANSI S12.60-  
126 2002, or (2) reverberation time, as defined in Section 3.2.3.1 of ANSI  
127 S12.60-2002. The provisions of this section shall not apply to  
128 classrooms or other spaces where students learn where adequate  
129 acoustical modifications cannot be made without compromising health  
130 and safety, or the purpose or function of a specific classroom or other  
131 space where students learn.

This act shall take effect as follows:	
Section 1	<i>July 1, 2003</i>
Sec. 2	<i>July 1, 2003</i>
Sec. 3	<i>July 1, 2003</i>
Sec. 4	<i>July 1, 2003</i>
Sec. 5	<i>July 1, 2003</i>

**ED**

*Joint Favorable Subst. C/R*

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