



General Assembly

February Session, 2006

Raised Bill No. 378

LCO No. 2116

02116_____ED_

Referred to Committee on Education

Introduced by:
(ED)

AN ACT CONCERNING SCHOOL CONSTRUCTION.

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

1 Section 1. Subsections (c) and (d) of section 10-286 of the 2006
2 supplement to the general statutes are repealed and the following is
3 substituted in lieu thereof (*Effective July 1, 2006*):

4 (c) In the computation of grants pursuant to this section for any
5 school building project authorized by the General Assembly pursuant
6 to section 10-283, as amended by this act, (1) after January 1, 1993, any
7 maximum square footage per pupil limit established pursuant to this
8 chapter or any regulation adopted by the State Board of Education
9 pursuant to this chapter shall be increased by twenty-five per cent for a
10 building constructed prior to 1950; [except that a board of education
11 may apply to the department by June 30, 2002, for use of such
12 increased percentage for a building constructed prior to July 1, 1951.]

13 [(d) In the computation of grants pursuant to this section for any
14 school building project authorized by the General Assembly pursuant
15 to section 10-283] (2) after January 1, 2004, any maximum square
16 footage per pupil limit established pursuant to this chapter or any

17 regulation adopted by the State Board of Education pursuant to this
18 chapter shall be increased by up to one per cent to accommodate a
19 heating, ventilation or air conditioning system, if needed; and (3) after
20 July 1, 2006, for projects with total authorized project costs greater than
21 ten million dollars, total construction change orders or other change
22 directives otherwise eligible for grant assistance under this chapter
23 shall not exceed five percent of the authorized total project cost, except
24 that fifty percent of change orders or other change directives in excess
25 of said five per cent shall be eligible for grant assistance.

26 Sec. 2. Subdivision (3) of subsection (a) of section 10-283 of the
27 general statutes is repealed and the following is substituted in lieu
28 thereof (*Effective July 1, 2006*):

29 (3) (A) All final calculations completed by the Department of
30 Education for school building projects authorized on or after July 1,
31 1996, shall include a computation of the state grant for the school
32 building project amortized on a straight line basis over a twenty-year
33 period for school building projects with costs equal to or greater than
34 two million dollars and over a ten-year period for school building
35 projects with costs less than two million dollars. Any town or regional
36 school district which abandons, sells, leases, demolishes or otherwise
37 redirects the use of such a school building project to other than a
38 public school use during such amortization period shall refund to the
39 state the unamortized balance of the state grant remaining as of the
40 date the abandonment, sale, lease, demolition or redirection occurs.
41 The amortization period for a project shall begin on the date the project
42 was accepted as complete by the local or regional board of education.
43 A town or regional school district required to make a refund to the
44 state pursuant to this subdivision may request forgiveness of such
45 refund if the building is redirected for public use. The department
46 shall include as an addendum to the annual school construction
47 priority list all those towns requesting forgiveness. General Assembly
48 approval of the priority list containing such request shall constitute
49 approval of such request. This subdivision shall not apply to projects

50 to correct safety, health and other code violations or to remedy
51 certified school indoor air quality emergencies approved pursuant to
52 subsection (b) of this section or projects subject to the provisions of
53 section 10-285c.

54 (B) Any moneys refunded to the state pursuant to subparagraph (A)
55 of this subdivision shall be deposited in the state's tax-exempt
56 proceeds fund and used within sixty days of repayment to pay debt
57 service on, including redemption, defeasance or purchase of,
58 outstanding bonds of the state the interest on which is not included in
59 gross income pursuant to Section 103 of the Internal Revenue Code of
60 1986, or any subsequent corresponding internal revenue code of the
61 United States, as from time to time amended.

62 Sec. 3. Section 10-282 of the general statutes is amended by adding
63 subdivision (20) as follows (*Effective July 1, 2006*):

64 (NEW) (20) "Turn-key purchase" means the purchase of a facility
65 that a party has agreed to construct or renovate and deliver as fully
66 completed in accordance with an agreement between that party and a
67 purchasing school district.

68 Sec. 4. Subsection (a) of section 10-286 of the 2006 supplement to the
69 general statutes is amended by adding subdivision (10) as follows
70 (*Effective July 1, 2006*):

71 (NEW) (10) In the case of a project involving a turn-key purchase for
72 a facility to be used for school purposes, the eligible percentage, as
73 determined in section 10-285a of the 2006 supplement to the general
74 statutes, of the net eligible cost as determined by the Commissioner of
75 Education, except that for any project involving such a purchase for
76 which an application is made on or after July 1, 2006, (A) final plans for
77 all construction work included in the turn-key purchase agreement
78 shall be approved by the Commissioner of Education in accordance
79 with section 10-292 of the general statutes, and (B) such project may be
80 exempt from the standard space specifications, and otherwise

81 ineligible repairs and replacements may be considered eligible for
82 reimbursement as part of such project, if information acceptable to the
83 commissioner documents the need for such work and that such a
84 purchase will cost less than constructing the facility in a different
85 manner and will result in a facility taking on a useful life comparable
86 to that of a new facility.

87 Sec. 4. Subsection (a) of section 10-220 of the general statutes is
88 repealed and the following is substituted in lieu thereof (*Effective July*
89 *1, 2006*):

90 (a) Each local or regional board of education shall maintain good
91 public elementary and secondary schools, implement the educational
92 interests of the state as defined in section 10-4a and provide such other
93 educational activities as in its judgment will best serve the interests of
94 the school district; provided any board of education may secure such
95 opportunities in another school district in accordance with provisions
96 of the general statutes and shall give all the children of the school
97 district as nearly equal advantages as may be practicable; shall provide
98 an appropriate learning environment for its students which includes
99 (1) adequate instructional books, supplies, materials, equipment,
100 staffing, facilities and technology, (2) equitable allocation of resources
101 among its schools, (3) proper maintenance of facilities, and (4) a safe
102 school setting; shall have charge of the schools of its respective school
103 district; shall make a continuing study of the need for school facilities
104 and of a long-term school building program and from time to time
105 make recommendations based on such study to the town; shall adopt
106 and implement an indoor air quality program that provides for
107 ongoing maintenance and facility reviews necessary for the
108 maintenance and improvement of the indoor air quality of its facilities;
109 shall report [annually] biennially to the Commissioner of Education on
110 the condition of its facilities and the action taken to implement its long-
111 term school building program and indoor air quality program, which
112 report the Commissioner of Education shall use to prepare [an annual]
113 a biennial report that said commissioner shall submit in accordance

114 with section 11-4a to the joint standing committee of the General
115 Assembly having cognizance of matters relating to education; shall
116 advise the Commissioner of Education of the relationship between any
117 individual school building project pursuant to chapter 173 and such
118 long-term school building program; shall have the care, maintenance
119 and operation of buildings, lands, apparatus and other property used
120 for school purposes and at all times shall insure all such buildings and
121 all capital equipment contained therein against loss in an amount not
122 less than eighty per cent of replacement cost; shall determine the
123 number, age and qualifications of the pupils to be admitted into each
124 school; shall develop and implement a written plan for minority staff
125 recruitment for purposes of subdivision (3) of section 10-4a; shall
126 employ and dismiss the teachers of the schools of such district subject
127 to the provisions of sections 10-151 and 10-158a; shall designate the
128 schools which shall be attended by the various children within the
129 school district; shall make such provisions as will enable each child of
130 school age, residing in the district to attend some public day school for
131 the period required by law and provide for the transportation of
132 children wherever transportation is reasonable and desirable, and for
133 such purpose may make contracts covering periods of not more than
134 five years; may place in an alternative school program or other suitable
135 educational program a pupil enrolling in school who is nineteen years
136 of age or older and cannot acquire a sufficient number of credits for
137 graduation by age twenty-one; may arrange with the board of
138 education of an adjacent town for the instruction therein of such
139 children as can attend school in such adjacent town more conveniently;
140 shall cause each child five years of age and over and under eighteen
141 years of age who is not a high school graduate and is living in the
142 school district to attend school in accordance with the provisions of
143 section 10-184, and shall perform all acts required of it by the town or
144 necessary to carry into effect the powers and duties imposed by law.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>July 1, 2006</i>	10-286(c) and (d)
Sec. 2	<i>July 1, 2006</i>	10-283(a)(3)
Sec. 3	<i>July 1, 2006</i>	10-282
Sec. 4	<i>July 1, 2006</i>	10-286(a)
Sec. 4	<i>July 1, 2006</i>	10-220(a)

Statement of Purpose:

To limit school construction grant eligibility of construction change orders or other change directives for school construction projects with total authorized project costs greater than ten million dollars to a maximum of five per cent of the authorized total project costs, except that fifty per cent of change orders or other change directives in excess of five per cent shall be eligible for grant assistance, to apply the redirection of use provisions to all school construction projects except projects exclusively to remedy certified indoor air quality emergencies or to correct code violations, to specify rules for turn-key school construction projects by defining "turn-key purchase," by requiring that the Department of Education conduct architectural code reviews of turn-key projects as with any other construction project for which state grant assistance is sought, and by requiring the application of school construction space standards to turn-key construction and to reduce the requirement that districts report to the Department of Education on the condition of school facilities, and the action taken to implement their long-term school building program and indoor air quality program, from every year to every two years and provide that the department report to the General Assembly on these issues every two years rather than every year.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]