

February 29, 2008

SCHOOL CONSTRUCTION COALITION
PROPOSED AMENDMENTS TO SB 402, AAC AUTHORIZATION OF STATE
GRANT COMMITMENTS FOR SCHOOL BUILDING PROJECTS AND
CONCERNING CHANGES TO THE STATUTES CONCERNING SCHOOL
BUILDING PROJECTS

SUMMARY OF SCHOOL CONSTRUCTION COALITION PROPOSALS

Evaluate and revise the statutes governing school construction programs, many of which have not changed since 1984, to reflect more recent trends in enrollment and space standards and clarifying issues that arise during audit procedures.

This decade's focus on education, accountability and the achievement gap, with the adoption of No Child Left Behind (NCLB) in late 2001 and adequate yearly progress measurements and penalties in PA No. 07-3 of the June Special Session, is different than when Section 10-286(a)(1) of the general statutes was last amended in 1984, or when many school districts began active school construction programs in the last twelve years.

As part of their efforts to comply with federal and state laws and guidelines, school districts today are making necessary improvements, utilizing data-driven assessments, focusing on instruction, interventions, professional development, curricular revisions and support programs, sometimes along with reduced class size, choice, and new/renovated buildings, as in New Haven.

As various school construction projects go through the close out process, a series of issues overall and pertaining to various projects have emerged, which the suggested legislation addresses. Some concerns have arisen with meeting the enrollment projections, as filed many years ago, while striving to accomplish the new educational priorities. Often a school construction project encounters delays, which requires additional time to phase in students into a building and triggers a series of other issues. Some school districts are converting to K-8 schools, which utilize the space standards differently. Finally, state guidelines and regulations are either silent or leave "gray" areas on the eligibility of some items for state reimbursement, such as relocation expenses, pre-construction property management services, site engineering, environmental and preservation costs incurred as part of site acquisition.

Suggested legislation:

- Revise Section 10-286(a)(1) of the general statutes, to allow school districts to reduce class size for low performing schools; to make planned and overall enrollment data acceptable to the Commissioner; to enable the Commissioner of Education to waive or adjust the highest projected enrollment for a school building project, based upon exigent and unforeseen circumstances ; also, to revise the eight-year enrollment window for determining peak enrollment so it begins with the filing of the start of construction date
- Revise Section 10-286(b)(4) of the general statutes on space standards calculations revisions to take K-8 schools into consideration
- Revise Section 10-286 of the general statutes to clarify that eligible site acquisition costs include relocation expenses, pre-construction property management services, and required site engineering, environmental and preservation costs

Public Hearing Testimony Speaker:

Date: 2/29/08 Bill Number: SB 402

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Enrollments

Subdivision (1) of Subsection (a) of Section 10-286 of the general statutes is repealed and the following is substituted in lieu thereof:

(1) For the fiscal year ending June 30, 1984, and each fiscal year thereafter, in the case of a new school plant, an extension of an existing school building or projects involving the major alteration of any existing building to be used for school purposes, the eligible percentage, as determined in section 10-285a, of the result of multiplying together the number representing the highest projected enrollment, based on data acceptable to the Commissioner of Education, for such building period [from the date a local or regional board of education files a notification of a proposed school building project] COMMENCING ON THE DATE OF BEGINNING OF CONSTRUCTION FILED with the Department of Education, the number of gross square feet per pupil determined by the Commissioner of Education to be adequate for the kind of educational program or programs intended, and the eligible cost of such project, divided by the gross square feet of such building, or the eligible percentage, as determined in section 10-285a, of the eligible cost of such project, whichever is less, provided, (A) any such project on which construction was started prior to July 1, 1975, shall be reimbursed under the formula in effect prior to said date, (B) any such project on which construction or payments under this chapter were started after June 30, 1975, but prior to July 31, 1983, shall be reimbursed based upon the data, submitted for each such project and accepted by the Department of Education during said period, representing the number of pupils the plant was designed to accommodate, (C) any project for which final grant calculation has been made after June 30, 1975, but prior to July 31, 1983, shall be reimbursed based upon such final calculation, and (D) any such project for which estimated grant payments were begun prior to July 31, 1983, shall be reimbursed based upon the calculation formula used in making such estimated grant payments[.]. DISTRICTS WITH LOW PERFORMING SCHOOLS THAT HAVE SCHOOL BUILDING PROJECTS MAY REDUCE CLASS SIZE TO IMPROVE EDUCATIONAL PERFORMANCE AND THEIR HIGHEST PROJECTED ENROLLMENT STANDARD MAY BE EIGHTY PERCENT OF THE ALLOWABLE SPACE STANDARD SPECIFICATIONS AS DEFINED IN SUBDIVISION (4) OF SUBSECTION (B) OF SECTION 10-286. THE COMMISSIONER OF EDUCATION MAY WAIVE OR ADJUST THE HIGHEST PROJECTED ENROLLMENT FOR A SCHOOL BUILDING PROJECT BASED UPON A REQUEST FROM A LOCAL OR REGIONAL BOARD OF EDUCATION, AND ENROLLMENT DATA ACCEPTABLE TO THE COMMISSIONER SHALL INCLUDE ENROLLMENTS FOR SCHOOLS WITHIN A SCHOOL DISTRICT THAT ARE PART OF A COMPREHENSIVE FACILITIES PLAN OR OVERALL ENROLLMENT PROJECTIONS FOR THE SCHOOL DISTRICT. THE COMMISSIONER OF EDUCATION MAY WAIVE OR ADJUST THE HIGHEST PROJECTED ENROLLMENT BASED UPON EXIGENT OR UNFORESEEN CIRCUMSTANCES.

Space Standards Revisions

Subdivision (4) of Subsection (b) of Section 10-286 of the general statutes is repealed and the following is substituted in lieu thereof:

(b)(4) Commencing with the school construction projects authorized by the General Assembly during the fiscal year ending June 30, 1985, and for all such projects so authorized thereafter, the calculation of grants pursuant to this section shall be made in accordance with the state standard space specifications in effect at the time of the final AUDITED grant calculation, except that on and after July 1, 2005, in the case of a school district with an enrollment of less than one hundred fifty students in grades kindergarten to grade eight, inclusive, state standard space specifications shall not apply in the calculation of grants pursuant to this section and the Commissioner of Education may modify the standard space specifications for a project in such district, AND EXCEPT THAT ON AND AFTER JULY 1, 1995, IN THE CASE OF A SCHOOL DISTRICT WITH AN ENROLLMENT OF LESS THAN NINE HUNDRED FIFTY STUDENTS PER

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SCHOOL IN GRADES PRE-KINDERGARTEN TO GRADE EIGHT, INCLUSIVE, STATE STANDARD SPACE SPECIFICATIONS APPLIED IN THE CALCULATION OF GRANTS PURSUANT TO THIS SECTION SHALL BE ONE HUNDRED SIXTY FIVE SQUARE FEET PER STUDENT, PROVIDED THAT THE SCHOOL FACILITY SHALL INCLUDE SPECIAL EDUCATION SERVICES, IN-SCHOOL SUSPENSION SPACE, A FULL-SIZED GYMNASIUM AND A SCHOOL-BASED HEALTH CENTER. FAILURE TO INCLUDE SUCH SPACE SHALL RESULT IN A SPACE STANDARD REDUCTION OF FIVE SQUARE FEET PER STUDENT FOR EACH SUCH SPACE.

Eligible Site Acquisition Expenses

Subsection (a) of Section 10-286 of the general statutes is amended as follows by adding a new subdivision (11):

(NEW) (11) IN THE CASE OF ANY SCHOOL BUILDING PROJECT DESCRIBED IN SUBDIVISIONS (1) AND (2) OF THIS SUBSECTION, ACQUISITION COSTS SHALL BE THE ACTUAL PURCHASE PRICE PAID, PLUS LEGAL FEES AND OTHER REASONABLE INCIDENTAL COSTS NECESSARY TO SUCH ACQUISITION. FOR PURPOSES OF THIS SUBDIVISION, OTHER REASONABLE INCIDENTAL COSTS INCLUDE, BUT ARE NOT LIMITED TO RELOCATION COSTS OF OCCUPANTS OCCUPYING SUCH PROPERTY AT THE TIME OF ACQUISITION, PRECONSTRUCTION PROPERTY MANAGEMENT COSTS, AND REQUIRED SITE ENGINEERING, ENVIRONMENTAL AND PRESERVATION COSTS.

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Enrollments

Many school districts encounter issues in opening schools close to the end of the eight-year highest projected enrollment date. If they are phasing in additional students over time, it is more of an issue. Changing the start date for the eight year period to the date of beginning of construction filed – already defined in the statutes – gives school districts more time to reach their goal, even in the event of delays or extraordinary occurrences.

Some school districts have low-performing schools, and in order to improve performance need to reduce class size, but end up penalized in terms of space standard specifications if they try to do so. Allowing a smaller class size under such circumstances acknowledges the educational and achievement goals for a school district.

Other districts are planning their school projects with planned enrollments for each school, based on class size and numbers of classes per grade, with enrollment projections for the overall school district. Those school districts have mobility and choice for students so that the planned enrollments may be implemented. Auditors are seeking school-by-school enrollment projections, which are difficult in urban settings having a significant number of apartments and large-scale developments.

In addition, some school districts encounter issues in reaching their highest projected enrollment. For example, some schools in the southeastern portion of the state are losing population due to the shrinking of the naval base, and may not be able to reach their highest projected enrollment. Other districts are implementing redistricting plans for racial balance, which may also impact their ability to meet their highest projected enrollment.

Providing the Commissioner with clear waiver or adjustment authority in certain circumstances would help in such circumstances.

Space Standards Revisions

A number of school districts are shifting away from the elementary and middle school model back to K-8 (and pre-K-8) schools. The state standard space specifications are several decades old and do not factor in K-8 schools, which provide many middle-school type spaces but are weighted to give less square feet per student to students in many of the younger grades. Ultimately they discriminate against K-8 schools, particularly those with two classes per grade, as there is not enough enrollment in each of those schools to overcome the formula. Yet, smaller schools and smaller class sizes are often key to overcoming the achievement gap in urban school districts.

Eligible Site Acquisition Expenses

At present, when property is acquired, the provisions of the uniform relocation assistance act are followed. Many state agencies, including the DOT and DECD, consider relocation expenses to be reasonable and necessary and part of the site acquisition process. The State Department of Education regulations are silent on the eligibility of relocation expenses, and that department has recently ruled in audit reports that such expenses are not eligible for reimbursement. This would make the department's treatment of relocation expenses consistent with other state departments.

In addition, other expenses are reasonable and necessary as part of site acquisition. They include pre-construction property management services, and required site engineering, environmental and preservation costs, many of which occur on projects prior to construction.