

OFFICE OF LEGISLATIVE RESEARCH  
PUBLIC ACT SUMMARY



**PA 14-90—sSB 475**

*Education Committee*

*Finance, Revenue and Bonding Committee*

**AN ACT CONCERNING AUTHORIZATION OF STATE GRANT COMMITMENTS FOR SCHOOL BUILDING PROJECTS AND CONCERNING CHANGES TO THE STATUTES CONCERNING SCHOOL BUILDING PROJECTS**

**SUMMARY:** This act authorizes the administrative services (DAS) commissioner to enter into grant commitments on behalf of the state for 21 new school construction projects. It authorizes state grants totaling \$180.7 million related to total project costs of \$309.3 million. It also reauthorizes and changes grant commitments, due to cost and scope changes, for (1) six previously authorized local projects and (2) three previously authorized technical high school projects. The reauthorizations result in a \$196.6 million increase in the state grant commitments. Furthermore, the act approves (1) various exemptions and waivers from school construction laws and (2) changes to existing authorizations. Under the state school construction grant program, the state reimburses towns and local districts for a percentage of eligible school construction costs.

The act also authorizes the DAS commissioner to (1) under certain conditions, waive the requirement that a school construction project meet the school safety infrastructure standards (SSIS) and (2) require towns and regional boards of education to perform security assessments on proposed school construction projects.

It expands the membership of the School Safety Infrastructure Council (i.e., the “council”) by adding one member the governor appoints who must be a licensed building official. Under prior law, the council had nine members including the commissioners of administrative services, emergency services and public protection, and education.

Finally, the act makes numerous changes to transfer most of the responsibilities and duties related to the school construction grant program to DAS from the State Department of Education (SDE).

EFFECTIVE DATE: Upon passage except July 1, 2014 for the SSIS provisions.

**§ 1 — NEW AUTHORIZATIONS & PREVIOUSLY AUTHORIZED PROJECTS WITH CHANGES**

Table 1 shows the new school construction projects the act authorizes. Tables 2 and 3 list changes in previously authorized school and technical high school projects. Projects with an asterisk are affected by other changes in the act (see section on notwithstanding provisions).

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**Table 1: New School Construction Projects Authorized**

<i>District</i>	<i>School</i>	<i>Project</i>	<i>Estimated Project Costs</i>	<i>Estimated Grant</i>	<i>State Reimbursement %</i>
Danbury	Mill Ridge Intermediate School	Extension & alteration/ roof repair	\$18,608,903	\$11,762,688	63.21%
Danbury	Park Avenue School	Extension & alteration	12,217,578	7,722,731	63.21%
Danbury	Shelter Rock School	Extension & alteration	5,650,019	3,571,377	63.21%
Danbury	Stadley Rough School	Extension & alteration	5,367,422	3,392,747	63.21%
East Hampton	East Hampton High School	Extension & alteration/roof replacement	51,695,000	27,139,875	52.5%
Fairfield	Riverfield School	Extension & alteration	14,485,766	3,828,588	26.43%
Fairfield	Fairfield Ludlowe High School	Extension & alteration/ energy conservation/ roof replacement	11,630,700	3,073,994	26.43%
Fairfield	Osborn Hill School	Extension & alteration, energy conservation	3,374,400	891,854	26.43%
New Britain	Gaffney School	Extension & alteration	30,000,000	23,787,000	79.29%
Newington	Martin Kellogg Middle School	Alteration	1,000,000	589,300	58.93%
Newington	John Wallace Middle School	Alteration	1,000,000	589,300	58.93%
Newington	Newington High School	Extension & alteration	1,500,000	883,950	58.93%
Putnam	Putnam High School*	Extension & alteration/roof replacement	33,421,159	24,467,631	73.21%
Putnam	Central Administration (Putnam High School)	Alteration/roof replacement	3,188,841	1,167,275	36.6%
Regional District 14	Nonnewaug High School	Extension & alteration	63,820,605	30,544,542	47.86%
Stamford	Northeast School	Alteration/ energy conservation	3,500,000	987,350	28.21%
Stamford	Toquam School	Alteration/ roof replacement	2,550,000	719,355	28.21%
Stamford	Westhill High School	Alteration/ energy conservation	2,075,000	585,358	28.21%
Torrington	Forbes School	Energy conservation	300,000	225,000	75%
West Hartford	Charter Oak International Academy	Diversity school/new construction	43,274,807	34,619,846	80%
Wethersfield	Central Administration (Wethersfield H.S.)*	Alteration & renovation	652,065	165,331	25.36%

**Table 2: Previously Authorized School Construction Projects with Substantial Scope or Cost Changes**

<i>District</i>	<i>School</i>	<i>Project</i>	<i>Previous Grant Authorization</i>	<i>New Grant Authorization</i>	<i>Change</i>
Berlin	Berlin High	Renovation/	\$32,974,430	\$39,345,395	\$6,370,965

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	School*	extension			
Bridgeport	Dunbar School	Alteration/energy conservation	6,888,032	6,888,032	0
CREC	Academy of Aerospace	Magnet school/facility purchase/extension & alteration	69,343,350	77,779,807	8,436,457
New Haven	UNH Science & Engineering Magnet*	New magnet/site purchase	56,525,000	81,255,000	24,730,000
Regional District 18	Mile Creek School	Energy conservation	209,265	337,943	128,678
Weston	Weston Middle School	Energy conservation	298,981	526,830	227,849

**Table 3: Previously Authorized Technical High School Construction Projects with Substantial Scope or Cost Changes**

<i>District</i>	<i>School</i>	<i>Project</i>	<i>Previous Authorization</i>	<i>Requested Authorization</i>	<i>Change</i>
Ansonia	Emmett O'Brien	Extension/alteration	\$77,746,501	\$94,315,000	\$16,568,499
Groton	Ella T. Grasso	Extension/alteration	61,479,000	134,913,000	73,434,000
Milford	Platt	Extension/alteration	57,886,000	124,566,000	66,680,000

§§ 3 & 4 — SCHOOL SAFETY INFRASTRUCTURE STANDARDS

By law, all new school construction projects seeking a state grant, as of July 1, 2014, must meet the SSIS issued by the council. The council was formed in 2013 and charged by law with the duty of issuing the SSIS, which it did in January 2014. The act authorizes the DAS commissioner to take two new actions related to implementing this requirement.

First, the commissioner may waive the requirement to meet the SSIS if he determines that the school construction grant application demonstrates that the applicant made a good-faith effort to address the standards and that compliance with the standards would be infeasible, unreasonable, or excessively expensive.

Second, the act authorizes the commissioner to require any town or regional board of education applying for a school construction project grant to conduct a safety assessment of the project to measure compliance with the SSIS. The town or regional board must use either an assessment tool the commissioner designates or an alternative the commissioner determines provides a comparable safety and security assessment.

§§ 5-12 — TRANSFERRING SCHOOL CONSTRUCTION DUTIES TO DAS FROM SDE

The act makes numerous changes to transfer most of the responsibilities and duties related to the school construction grant program to DAS from SDE. The education commissioner keeps the responsibility to evaluate projects for compliance with certain educational requirements. The act completes a transition that began in 2011 when a number of school construction duties were transferred to the then Department of Construction Services, which has since been merged

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into DAS. It makes several conforming and technical changes as part of this transfer.

The act requires towns or regional school districts to submit applications for school construction grants to the DAS commissioner, rather than the education commissioner. By law, the DAS commissioner already prescribed the application form. The act removes the provision that the education commissioner forward all applications to the DAS commissioner.

Under the act, the DAS commissioner reviews each grant application for compliance with educational requirements and on the basis of school building project categories that he establishes. Under prior law, the education commissioner performed this duty and used categories the State Board of Education established.

The DAS commissioner must consult with the education commissioner regarding applications for agricultural science technology centers and cooperative regional special education facilities. The education commissioner must also evaluate whether an application will assist the state in meeting the integration goals of the *Sheff v. O'Neill* settlement.

The act specifies that the annual school construction priority list, already prepared by DAS, must, after January 1, 2014, include a report containing the DAS commissioner's review of the school enrollment projections for each eligible school construction project. Under prior law, the education commissioner conducted the enrollment review.

### § 13 — SCHOOL BUILDING PROJECTS ADVISORY COUNCIL MEMBERSHIP

The act adds the education commissioner to the School Building Projects Advisory Council. By law, the council is required to (1) develop model blueprints for new school building projects that comply with industry standards and the SSIS; (2) conduct studies, research, and analyses; and (3) make recommendations for improvements to the school building projects processes to the governor and the legislature.

PA 14-217 adds two more members to the council, both of whom are appointed by the governor (one new member must have school safety experience and the other must have State Building Code administration experience). Taken together, the acts increase the size of the council from five to eight members.

### §§ 14 - 53 — SCHOOL CONSTRUCTION NOTWITHSTANDINGS

The act exempts specified school construction projects from various statutory and regulatory requirements to allow them to qualify for state grants or for additional grants through a higher level of reimbursement. These exemptions are referred to as “notwithstanding” provisions. Table 4 indicates the act section for each and summarizes each exemption and any applicable conditions. Different types of projects (e.g., new construction, renovation) have different reimbursement rates.

**Table 4: School Construction Notwithstanding**

Act §	Municipality/ Grantee	School	Exemption, Waiver, or Other Change
47	ACES (Area Cooperative Educational Services)	Collaborative Magnet	Waives clawback of funds due to building redirection for non-magnet school purposes
30	Bloomfield	Bloomfield High School, extension and alteration, roof replacement	Waives repayment of funds by allowing enrollment figure of 714 when actual number is lower
31	Bloomfield	Carmen Arace Middle School, alteration and roof replacement	Waives repayment of funds by allowing enrollment figure of 710 when actual number is lower
32	Bloomfield	Laurel School, extension and alteration, roof replacement	Waives repayment of funds by allowing enrollment figure of 444 when actual number is lower
33	Bloomfield	Metacomet Elementary School, extension and alteration	Waives repayment of funds by allowing enrollment figure of 342 when actual number is lower
44	Bridgeport	Various	Waives repayment due for any project because of audit completed by June 30, 2013 and relieves DAS from making any further reimbursement payments on same projects
34	Clinton	Morgan School, new construction	Waives standard space specifications for the purpose of calculating the state grant
48	CREC (Capitol Region Education Council)	Museum Academy, site or site and facility acquisition	<ul style="list-style-type: none"> <li>Increases project maximum costs associated with site or site and facility acquisition to \$33,261,000</li> <li>Waives limit on the number of times a project can be considered for a cost increase (change order)</li> </ul>
29	East Hartford	East Hartford Middle School, alteration and energy conservation	Waives state standard space specifications and makes exterior wall construction eligible for reimbursement
46	Goodwin College	Early Childhood Magnet	<ul style="list-style-type: none"> <li>Makes reimbursable cost for site acquisition by a limited liability company (LLC) for Goodwin College Early Childhood Magnet School, provided the LLC conveys the site to Goodwin College</li> <li>Permits the conveyance to be in the form of a lease for a minimum term of 20 years</li> </ul>
14	Hartford	Kinsella Magnet School, facility purchase and extension and alteration	Increases project cost, from \$30 million to \$33 million, provided application is submitted by June 30, 2015
42	Hartford	Weaver High School, alteration, roof replacement, and energy conservation	<ul style="list-style-type: none"> <li>Reclassifies as a renovation project rather than an alteration, roof replacement, and energy conservation project</li> <li>Exempts project from state space standards</li> <li>Grants full reimbursement rate, rather than 50% of rate, for athletic facilities, gymnasium, or auditorium</li> </ul>
50	Hartford	Kinsella Magnet School, magnet extension (separate project than Section 14)	Permits town to submit project change orders more than six months after the orders were issued and remain reimbursable provided orders approved by DAS
51	Hartford	Capital Prep Magnet School, magnet extension and alteration	Permits town to submit project change orders more than six months after the orders were issued and remain reimbursable provided orders approved by DAS
52	Hartford	Fisher Magnet School, magnet extension and alteration	Permits town to submit project change orders more than six months after the orders were issued and remain reimbursable provided orders approved by DAS
53	Hartford	Environmental Sciences Magnet at Mary Hooker, magnet extension and alteration	Permits town to submit project change orders more than six months after the orders were issued and remain reimbursable provided orders approved by DAS
39	LEARN (southeast RESC)	Multicultural Magnet, extension and alteration	Makes all project costs, except interest costs, eligible for reimbursement and specifies that LEARN is responsible for paying back any grant

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			payments for interest costs
45	Middletown	Lawrence Elementary, alteration and roof replacement	Makes reimbursable furniture and equipment costs up to \$371,547
26	Montville	Montville High School, extension and alteration	Permits town to submit project change orders more than six months after the orders were issued and remain reimbursable
27	Montville	Murphy Elementary School, extension and alteration	Permits bid prior to plan approval and allows awarding bid without public invitation to bid
19	New Haven	Engineering and Science University Magnet School in West Haven (on portion of University of New Haven campus in West Haven), new magnet	Makes architectural design costs eligible for reimbursement provided reimbursement does not exceed previously authorized grant amount
20	New Haven	Bowen Field, construction of outdoor athletic facility with lighting	Modifies previous authorization so that any private, federal, or state funds New Haven receives for necessary PCB removal are deducted from total school construction grant while maintaining the remainder of the grant
21	New Haven	Strong Communications Magnet School,	Makes project eligible for state aid provided costs do not exceed \$45 million, application is submitted by June 30, 2015, and is otherwise eligible
22	New Haven	John C. Daniels School, new construction	Allows DAS commissioner, under his waiver authority, to make certain costs eligible for reimbursement
22	New Haven	Beecher School, extension and alteration	Allows DAS commissioner, under his waiver authority, to make certain costs eligible for reimbursement
36	New London	Nathan Hale Magnet School, extension and alteration	Permits bid and awarding of contract project prior to plan approval for rooftop equipment, chiller enclosure, and PCB removal provided plans and specifications receive DAS approval and removes the limit on the reimbursement for increases in project cost due to change orders
37	New London	Magnet district	Removes the (1) limit on the number of schools the education commissioner can designate as magnets and (2) \$10 million limit on bonus grant amount to be received for magnets
38	New London	New London Magnet School for the Visual and Performing Arts, new magnet construction	<ul style="list-style-type: none"> <li>• Makes project eligible for state aid provided costs do not exceed \$31 million, application is submitted by June 30,2015, and is otherwise eligible</li> <li>• Requires memorandum of understanding between New London Board of Education, Garde Arts Center Board of Directors, and commissioners of education and administrative services establishing how the school will operate as a interdistrict magnet school</li> <li>• Permits New London to use public or private grant funds as the local share of the project costs with no decrease to the school construction grant</li> <li>• Makes cost for school construction at Garde Arts Center eligible for school construction reimbursement</li> <li>• Exempts project from standard space specifications</li> </ul>
16	Norwich	Kelly Middle School, renovation and extension	<p>Modifies existing authorization by:</p> <ul style="list-style-type: none"> <li>• Increasing project maximum cost to \$41,250,000</li> <li>• permitting town to enter into contract for and issue bonds that exceed the town's approved appropriations but by no more than \$1 million provided the city council approves the additional appropriation by June 30, 2015</li> </ul>
35	Plainville	Linden School, extension and alteration	Modifies project scope to include and make eligible for reimbursement demolition costs of no more than \$2.4 million
40	Putnam	Central administration at Putnam High School	Makes reimbursement rate 73.21% for project on the 2014 priority list (central administration)

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18	Rocky Hill	Rocky Hill High School, extension and alteration, roof replacement	Modifies existing authorization by: <ul style="list-style-type: none"> <li>• increasing overall project cost to \$50 million</li> <li>• permitting town to enter into contract for or issue bonds that exceed the town's approved appropriation for the project, but by no more than \$5,045,000 provided town council approves the additional appropriation by June 30,2015</li> </ul>
23	Shelton	Shelton Intermediate School, new construction	Waives repayment of funds for site acquisition grant
25	Union	Union Elementary School, new construction	Waives public invitation to bid requirement, allows offsite improvements to be reimbursable, and permits change orders submitted on or before January 11, 2011 to be reimbursable
43	West Hartford	Charter Oak International Academy, new construction	Waives square feet per pupil standard and permits 86,877 square feet as the maximum footage for calculating eligible costs for reimbursement
28	West Haven	West Haven High School, extension and alteration	Authorizes increased project cost to \$132,639,000
24	Weston	New Intermediate School, new construction	Waives repayment of funds by allows enrollment figure of 726 when actual number is lower
17	Wethersfield	Wethersfield High School, renovation and extension	Modifies existing authorization by <ul style="list-style-type: none"> <li>• increasing overall project cost to \$83,794,709</li> <li>• permitting town to enter into contract for or issue bonds that exceed the town's approved appropriation, but by no more than \$10 million provided town council approves the additional appropriation by June 30,2015</li> </ul>
41	Windham	Windham Magnet (Barrows School), new construction magnet	<ul style="list-style-type: none"> <li>• Waives limit on the number of times a project can be considered for a cost increase (change order)</li> <li>• Authorizes cost increase to provide expanded furniture, furnishings, equipment, and technology equipment, provided local legislative approval of the local cost share is submitted by June 30, 2014 and the revised total cost does not exceed \$42 million</li> </ul>
49	Windsor Locks	Windsor Locks High School, alteration	Waives repayment of funds by allowing enrollment figure of 600 when actual number is lower

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