



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2 the general statutes is repealed and the following is substituted in lieu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

Statement of Legislative Commissioners:

Section 1(b)(2)(B) was reorganized into subparagraphs (B) and (C) for consistency with standard drafting conventions.

ET *Joint Favorable Subst.*