DEPARTMENT OF ADMINISTRATIVE SERVICES
STATE OF CONNECTICUT

165 Capitol Avenue
Hartford, CT 06106-1658

MEMORANDUM

TO: Senator Andrea Stillman & Representative Andrew Fleischmann

FROM: Donald DeFronzo, Commissioner of the Department of Administrative Services (DAS)

DATE: February 19, 2014

RE: Applicability of SSIC standards

The School Safety Infrastructure Council (SSIC) submitted its school safety infrastructure standards to your committee on January 1, 2014, as required by Public Act 2013-3. In connection with these standards, the Department of Administrative Services ("DAS"), has heard from a number of school districts questioning the applicability of those standards. DAS has been asked whether school districts submitting school construction grant applications prior to July 1, 2014, are required to comply with the safety infrastructure standards established by the SSIC.

We have advised these districts that Subsection (a) of section 10-284 of the Connecticut General Statutes, as amended by section 81 of Public Act 13-3, gives the Commissioner of DAS the authority to review and approve applications for state school construction grants and allow said commissioner to disapprove any application if "on or after July 1, 2014, the application does not comply with the school safety infrastructure standards… ." Applications received prior to July 1, 2014, therefore, would not be required to comply with such safety infrastructure standards. In fact, as the filing deadline for annual grant approvals is June 30th of each year, some of the applications submitted in anticipation of the June 30, 2014, deadline could have been submitted before the SSIC submitted its standards to the legislature on January 1, 2014.

We are sharing the question and our response should the committee face the same questions. Please note that if the committee's intention was to require grant applications submitted by the June 30, 2014 deadline (for this year's school priority list) to comply with the standards, then a legislative change is needed. Please be advised, however, that any change now would likely impact the ability of a school district to meet the requirement as districts that have submitted applications may have done so without anticipating this requirement and may not be able to meet it. For example, some districts that have submitted an application may have passed a local referendum based on a cost estimate that does not include the added safety infrastructure standards. Also, in practice, the application does not comprise design elements sufficient to address such standards,

but, as with other statutorily required design requirements and standards, each district will be required to certify at the time of the application that such safety infrastructure standards will be considered.

The OLR Bill Analysis of Public Act 13-3 further supports this conclusion:

> §§ 81 & 82 — SCHOOL CONSTRUCTION PROJECTS AND THE NEW SCHOOL SAFETY STANDARDS
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> Under the school construction project law, a school district can receive state reimbursement for the eligible parts of a school construction or renovation project if its application meets certain criteria. The act additionally requires DCS, starting July 1, 2014, to review each local school construction grant application for compliance with the SSIC-developed school safety infrastructure standards. It gives DCS the authority to disapprove any application submitted on or after July 1, 2014 that does not comply with these new school safety standards.
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> It also requires school superintendents to affirm on the school construction application form, also starting July 1, 2014, that the district considered the SSIC-developed infrastructure standards.

Grant applications submitted prior to June 30, 2014, are used to develop the 2014/2015 priority list that the General Assembly would act upon in January, 2015 and grant applications submitted on or after July 1, 2014, and on or before June 30, 2015, are used to develop the 2015/2016 priority list, which the General Assembly would address in January, 2016. Therefore, the first group of school construction grant recipients that would be required to consider the school safety infrastructure standards in their designs would be grant recipients on the 2015/2016 priority list. Notwithstanding the above, we have encouraged all potential applicants to review the new standards and where feasible, incorporate those standards into their design plans.