

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Public Utilities Act is amended by changing  
5 Section 8-402.2 as follows:

6 (220 ILCS 5/8-402.2)

7 Sec. 8-402.2. Public Schools Carbon-Free Assessment  
8 programs.

9 (a) Within one year after the effective date of this  
10 amendatory Act of the 102nd General Assembly, each electric  
11 utility serving over 500,000 retail customers in this State  
12 shall implement a Public Schools Carbon-Free Assessment  
13 program.

14 (b) Each utility's Public Schools Carbon-Free Assessment  
15 program shall include the following requirements:

16 (1) Each plan shall be designed to offer within the  
17 utility's service territory to assist public schools, as  
18 defined by Section 1-3 of the School Code, to increase the  
19 efficiency of their energy usage, to reduce the carbon  
20 emissions associated with their energy usage, and to move  
21 toward a goal of public schools being carbon-free in their  
22 energy usage by 2030. The program shall include a target  
23 of completing Public Schools Carbon-Free Assessment for

1 all public schools in the utility's service territory by  
2 December 31, 2029.

3 (2) The Public Schools Carbon-Free Assessment shall be  
4 a generally standardized assessment, but may incorporate  
5 flexibility to reflect the circumstances of individual  
6 public schools and public school districts.

7 (3) The Public Schools Carbon-Free Assessment shall  
8 include, but not be limited to, comprehensive analyses of  
9 the following subjects:

10 (A) The top energy efficiency savings  
11 opportunities for the public school, by energy saved;

12 (B) The total achievable solar energy potential on  
13 or nearby a public school's premises and able to  
14 provide power to a school;

15 (C) The infrastructure required to support  
16 electrification of the facility's space heating and  
17 water heating needs;

18 (D) The infrastructure requirements to support  
19 electrification of a school's transportation needs;  
20 and

21 (E) The investments required to achieve a WELL  
22 Certification or similar certification as determined  
23 through methods developed and updated by the  
24 International WELL Building Institute or similar or  
25 successor organizations.

26 (4) The Public Schools Carbon-Free Assessment also

1 shall include, but not be limited to, mechanical  
2 insulation evaluation inspection and inspection of the  
3 building envelope(s).

4 (5) With respect to those public school construction  
5 projects for public schools within the service territory  
6 of a utility serving over 500,000 retail customers in this  
7 State and for which a public school district applies for a  
8 grant under Section 5-40 of the School Construction Law on  
9 or after June 1, 2023, the district must submit a copy of  
10 the applicable Public Schools Carbon-Free Assessment  
11 report, or, if no such Public Schools Carbon-Free  
12 Assessment has been performed, request the applicable  
13 utility to perform such a Public Schools Carbon-Free  
14 Assessment and submit a copy of the Public Schools  
15 Carbon-Free Assessment report promptly when it becomes  
16 available. The Public Schools Carbon-Free Assessment  
17 report shall include, but not limited to, an energy audit  
18 of both the building envelope and the building's  
19 mechanical insulation system. It shall also include an  
20 inspection of both the building envelope and the  
21 mechanical insulation system. The district must  
22 demonstrate how the construction project is designed and  
23 managed to achieve the goals that all public elementary  
24 and secondary school facilities in the State are able to  
25 be powered by clean energy by 2030, and for such  
26 facilities to achieve carbon-free energy sources for space

1 heat, water heat, and transportation by 2050.

2 (6) The results of each Public Schools Carbon-Free  
3 Assessment shall be memorialized by the utility or by a  
4 third party acting on behalf of the utility in a  
5 non-confidential report form that includes recommendations  
6 and redacts all confidential information. For purposes of  
7 this Section, "confidential information" means information  
8 or facts expected and intended to be exempt from  
9 disclosure under the Freedom of Information Act.  
10 "Confidential information" does not include program  
11 offerings, solar opportunities, health and safety  
12 certifications, energy efficiency recommendations,  
13 information about transportation and other funding  
14 offerings. The non-confidential form ~~and~~ shall be provided  
15 to the applicable public school by the utility or the  
16 third party acting on behalf of the utility. Each utility  
17 shall be required to retain a copy of each Public Schools  
18 Carbon-Free Assessment report and to provide copies of  
19 each non-confidential report to the Illinois Power Agency  
20 and the Illinois Capital Development Board within 3 months  
21 after ~~of~~ its completion. The Illinois Power Agency shall  
22 promptly make the results of each non-confidential report  
23 available for public inspection on its website.

24 (7) The Public Schools Carbon-Free Assessment shall be  
25 conducted in coordination with each utility's energy  
26 efficiency and demand-response plans under Sections 8-103,

1 8-103A, and 8-103B of this Act, to the extent applicable.  
2 Nothing in this Section is intended to modify or require  
3 modification of those plans. However, the utility may  
4 request a modification of a plan approved by the  
5 Commission, and the Commission may approve the requested  
6 modification, if the modification is consistent with the  
7 provisions of this Section and Section 8-103B of this Act.

8 (8) If there are no other providers of assessments  
9 that are substantively the same as those being performed  
10 by utilities pursuant to this Section by 2024, a utility  
11 that has a Public Schools Carbon-Free Assessment program  
12 may offer assessments to public schools that are not  
13 served by a utility subject to this Section at the  
14 utility's cost.

15 (9) The Public Schools Carbon-Free Assessment shall be  
16 offered to and performed for public schools in the  
17 utility's service territory on a complimentary basis by  
18 each utility, with no Assessment fee charged to the public  
19 schools for the Assessments. Nothing in this Section is  
20 intended to prohibit the utility from recovering through  
21 rates approved by the Commission the utility's prudent and  
22 reasonable costs of complying with this Section.

23 (10) Utilities shall make efforts to prioritize the  
24 completion of Public Schools Carbon-Free Assessments for  
25 the following school districts by December 31, 2022: East  
26 St. Louis School District 189, Harvey School District 152,

1 Thornton Township High School District 205. Utilities  
2 shall also prioritize the completion of Public Schools  
3 Carbon-Free Assessments for schools located within  
4 environmental justice communities or schools that are  
5 categorized as a Tier 1 or Tier 2 school based on the  
6 latest annual evidence-based funding distribution process  
7 by the State Board of Education.

8 (Source: P.A. 102-662, eff. 9-15-21; 102-1123, eff. 1-27-23.)