

**SB269 ENGROSSED**



1 EH7BC2-2  
2 By Senator Orr  
3 RFD: Finance and Taxation Education  
4 First Read: 02-May-23  
5  
6 2023 Regular Session



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A BILL  
TO BE ENTITLED  
AN ACT

Relating to education; to establish the K-12 Capital Grant Program within the Office of the Lieutenant Governor to provide grants to local schools to assist with capital project, deferred maintenance, or technology needs; to provide the purposes for which grant funds can be used; to establish the process for grant applications and approvals; to establish the K-12 Capital Grant Program Fund in the State Treasury; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following words and phrases, whenever used in this act, shall have the following meanings:

(1) ELIGIBLE K-12 ENTITY. Any public school in operation for the current fiscal year providing appropriate elementary instruction and eligible to participate in allocations from the Advancement and Technology Fund pursuant to Section 29-9-4, Code of Alabama 1975.

(2) GRANT. The award by the Office of the Lieutenant Governor of funds appropriated by the Legislature to an eligible K-12 entity.

(3) GRANT PROPOSAL. A written plan for the expenditure



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29 of funds by an eligible K-12 entity, which meets one or more  
30 of the purposes outlined in Section 3, subject to the approval  
31 by the Office of the Lieutenant Governor and expended under  
32 the direction of the head of the eligible K-12 entity.

33 Section 2. There is hereby created the Alabama K-12  
34 Capital Grant Program within the Office of the Lieutenant  
35 Governor to award grants to local school systems to assist  
36 with capital project, deferred maintenance, or technology  
37 needs of the school systems. The Legislature may from time to  
38 time appropriate funds into the K-12 Capital Grant Program  
39 Fund hereby established within the State Treasury to  
40 facilitate the grant program. An amount determined necessary  
41 by the Office of the Lieutenant Governor, but not to exceed  
42 one-quarter of one percent of the available fund monies, may  
43 be used for the administrative costs of implementing the grant  
44 program. Provided, however, that no funds shall be withdrawn  
45 or expended except as budgeted and allocated in accordance  
46 with Article 4 of Chapter 4 of Title 41, Code of Alabama 1975,  
47 and only in the amounts provided by the Legislature in an  
48 appropriation bill. Any unencumbered and unexpended balance of  
49 this fund remaining at the end of any fiscal year shall not  
50 lapse or revert, but shall be carried forward for the purposes  
51 of this act until expended.

52 Section 3. K-12 Capital Grants shall be made for only  
53 the following purposes: 1) To assist with the total cost of  
54 capital projects that will enhance the educational environment  
55 of students, including the construction, reconstruction, or  
56 renovation of permanent buildings containing classrooms,



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57 offices, libraries, laboratories, teaching facilities,  
58 training facilities, cafeterias, alternative schools, physical  
59 education facilities, including athletic facilities,  
60 facilities for the performing arts and arts education,  
61 together with tangible personal property that becomes a part  
62 of such facilities; 2) to provide funds to assist with the  
63 payment of existing debt service related to capital projects;  
64 3) to assist with the total cost of necessary deferred  
65 maintenance for existing facilities; 4) to assist with the  
66 total cost of projects that will improve school security and  
67 safety; and 5) for technology and equipment for schools or  
68 students that will provide access expanded educational  
69 opportunities.

70 Section 4. (a) The Office of the Lieutenant Governor  
71 shall evaluate grant proposals based upon the following  
72 criteria:

73 (1) The total amount of state funds available for  
74 grants, with the maximum grant amount from state funds not to  
75 exceed \$5 million for any grant proposal;

76 (2) The purposes for which the grant funds are  
77 intended;

78 (3) The availability of local matching funds, so long  
79 as there is not a required match of more than 35% of the total  
80 cost of the project; and

81 (4) The extent to which the grant proposals benefit  
82 eligible K-12 entities in each geographic area of the state,  
83 understanding the number of students and school systems  
84 located within each geographic area vary throughout the state.



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85           (b) The Office of the Lieutenant Governor shall utilize  
86 a sliding scale of matching requirements for grant proposals,  
87 taking into consideration the financial capacity of the  
88 eligible K-12 entity to provide matching funds. The office  
89 shall ensure that grant proposals from eligible K-12 entities  
90 with considerable populations of at-risk students receive  
91 priority consideration for review.

92           (c) Any eligible K-12 entity receiving grant funds  
93 pursuant to this act shall file a report with the Office of  
94 the Lieutenant Governor within one-year following the receipt  
95 of the funds. The report shall indicate that expenditures are  
96 in accordance with the associated grant proposal and other  
97 state laws. Upon a finding that grant expenditures are not in  
98 accordance with these conditions, the Office of the Lieutenant  
99 Governor shall suspend the release of further grant funds to  
100 the entity.

101           (d) The Department of the Examiners of Public Accounts  
102 shall examine compliance of the recipient K-12 entities with  
103 the grant program.

104           (e) The Office of the Lieutenant Governor shall design  
105 and distribute a grant proposal instrument to the State  
106 Department of Education to make available to eligible K-12  
107 entities. The Office shall maintain electronic records of all  
108 grant proposals for all grants currently in effect and all  
109 completed grants and may promulgate reasonable rules necessary  
110 to implement the provisions of this act.

111           Section 5. This act shall become effective immediately  
112 following its passage and approval by the Governor, or its

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113 otherwise becoming law.



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116 Senate

117 Read for the first time and referred .....02-May-23  
118 to the Senate committee on Finance  
119 and Taxation Education  
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121 Read for the second time and placed .....03-May-23  
122 on the calendar:  
123 0 amendments  
124  
125 Read for the third time and passed .....04-May-23  
126 as amended  
127 Yeas 34  
128 Nays 0  
129 Abstains 0  
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Patrick Harris,  
Secretary.

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