

**SB269 ENROLLED**



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



## SB269 Enrolled

1 Enrolled, An Act,

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

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

15 (1) ELIGIBLE K-12 ENTITY. Any public school in  
16 operation in the current fiscal year, the Alabama School of  
17 Math and Science, the Alabama School of Fine Arts, the Alabama  
18 School for Cyber Technology and Engineering, the portion of  
19 the Alabama Institute for Deaf and Blind providing appropriate  
20 elementary/secondary instruction, and may include the  
21 Department of Youth Services School District.

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

25 (3) GRANT PROPOSAL. A written plan for the expenditure  
26 of funds by an eligible K-12 entity, which meets one or more  
27 of the purposes outlined in Section 3, subject to the approval  
28 by the Office of the Lieutenant Governor and expended under



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29 the direction of the head of the eligible K-12 entity.

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

49 Section 3. K-12 Capital Grants shall be made for only  
50 the following purposes: 1) To assist with the total cost of  
51 capital projects that will enhance the educational environment  
52 of students, including the construction, reconstruction, or  
53 renovation of permanent buildings containing classrooms,  
54 offices, libraries, laboratories, teaching facilities,  
55 training facilities, cafeterias, alternative schools, physical  
56 education facilities, including athletic facilities,



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

67 Section 4. (a) The Office of the Lieutenant Governor  
68 shall evaluate grant proposals based upon the following  
69 criteria:

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

73 (2) The purposes for which the grant funds are  
74 intended;

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

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

82 (b) All applications for grants shall be endorsed by a  
83 member of the Senate and House of Representatives from the  
84 affected delegation in order to be considered.



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85           (c) 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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President and Presiding Officer of the Senate

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Speaker of the House of Representatives

SB269  
Senate 04-May-23  
I hereby certify that the within Act originated in and passed  
the Senate, as amended.

Patrick Harris,  
Secretary.

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House of Representatives  
Amended and passed: 25-May-23

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Senate concurred in House amendment 25-May-23

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By: Senator Orr