

## CHAPTER 392

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**EDUCATION - PUBLIC SCHOOLS**


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**HOUSE BILL 17-1082**

BY REPRESENTATIVE(S) Pabon, Becker J., Bridges, Buckner, Exum, Gray, Herod, Hooton, Jackson, Kennedy, Kraft-Tharp, Lee, Lontine, Melton, Mitsch Bush, Pettersen, Rosenthal, Salazar, Singer, Valdez, Weissman, Young, Duran, Arndt, Rankin; also SENATOR(S) Tate, Court, Crowder, Hill, Martinez Humenik, Todd.

**AN ACT****CONCERNING CLARIFICATION THAT FINANCIAL ASSISTANCE UNDER THE "BUILDING EXCELLENT SCHOOLS TODAY ACT" INCLUDES TECHNOLOGY GRANTS.**

*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1.** In Colorado Revised Statutes, 22-43.7-103, **amend** introductory portion and (6) as follows:

**22-43.7-103. Definitions.** AS USED IN THIS ~~ARTICLE~~ ARTICLE 43.7, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(6) "Capital construction" has the same meaning as set forth in section 24-30-1301 (2); ~~C.R.S.~~ EXCEPT THAT THE TERM ALSO INCLUDES TECHNOLOGY, AS DEFINED IN SECTION 22-43.7-109 (5)(a)(I)(B).

**SECTION 2.** In Colorado Revised Statutes, 22-43.7-107, **amend** (2)(b) as follows:

**22-43.7-107. Public school facility construction guidelines - establishment by board - use.** (2) The public school facility construction guidelines shall identify and describe the capital construction, renovation, and equipment needs in public school facilities and means of addressing those needs that will provide educational and safety benefits at a reasonable cost. In preparing the guidelines, the board shall address the following considerations:

(b) Technology, including but not limited to telecommunications and internet connectivity technology, ~~and~~ technology for individual student learning and classroom instruction, AND TECHNOLOGY, AS DEFINED IN SECTION 22-43.7-109

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

(5)(a)(I)(B), WHICH INCLUDES HARDWARE, DEVICES, OR EQUIPMENT NECESSARY FOR INDIVIDUAL STUDENT LEARNING AND CLASSROOM INSTRUCTION, INCLUDING ACCESS TO ELECTRONIC INSTRUCTIONAL MATERIALS, OR NECESSARY FOR PROFESSIONAL USE BY A CLASSROOM TEACHER;

**SECTION 3.** In Colorado Revised Statutes, 22-43.7-108, **amend** (2)(a)(V) and (2)(a)(VI); and **add** (2)(a)(VII) as follows:

**22-43.7-108. Statewide financial assistance priority assessment - public school facilities.** (2) (a) The financial assistance priority assessment shall assess public school facility capital construction projects based on:

(V) Site requirements for the public school facility; ~~and~~

(VI) Public school facility demographics, including a five-year projection concerning anticipated substantial changes in the pupil count of individual public school facilities; AND

(VII) ANNUALIZED UTILITY COSTS, INCLUDING ELECTRICITY, NATURAL GAS, PROPANE, WATER, SEWER, WASTE REMOVAL, TELECOMMUNICATIONS, INTERNET, OR OTHER MONTHLY BILLED UTILITY SERVICES.

**SECTION 4.** In Colorado Revised Statutes, 22-43.7-109, **amend** (4)(f), (4)(g), and (5)(a)(I); and **add** (4)(g.5) and (13) as follows:

**22-43.7-109. Financial assistance for public school capital construction - application requirements - evaluation criteria - local match requirements - technology grants - rules - definition.** (4) Applications for financial assistance submitted to the board shall be in a form prescribed by the board and shall include:

(f) A statement regarding the means by which the applicant intends to provide matching ~~moneys~~ MONEY required for the projects, including but not limited to means such as voter-approved multiple-fiscal year debt or other financial obligations, UTILITY COST SAVINGS ASSOCIATED WITH ANY UTILITY COSTS-SAVINGS CONTRACT, AS DEFINED IN SECTION 24-30-2001 (6), gifts, grants, donations, a loan obtained pursuant to section 22-43.7-110.5, or any other means of financing permitted by law, or the intent of the applicant to seek a waiver of the matching ~~moneys~~ MONEY requirement pursuant to subsection (10) of this section. If an applicant that is a school district or a board of cooperative services with a participating school district intends to raise matching ~~moneys~~ MONEY by obtaining voter approval to enter into a sublease-purchase agreement that constitutes an indebtedness of the district as authorized by section 22-32-127, it shall indicate whether it has received the required voter approval or, if the election has not already been held, the anticipated date of the election.

(g) A description of any efforts by the applicant to coordinate capital construction projects with local governmental entities or community-based or other organizations that provide facilities or services that benefit the community in order to more efficiently or effectively provide such facilities or services, including but not limited to a description of any financial commitment received from any such entity or organization that will allow better leveraging of any financial assistance awarded;

and

(g.5) IF DEEMED RELEVANT BY THE APPLICANT, A STATEMENT OF THE APPLICANT'S ANNUALIZED UTILITY COSTS, INCLUDING ELECTRICITY, NATURAL GAS, PROPANE, WATER, SEWER, WASTE REMOVAL, TELECOMMUNICATIONS, INTERNET, OR OTHER MONTHLY BILLED UTILITY SERVICES, AND THE AMOUNT OF ANY REDUCTION IN SUCH COSTS EXPECTED TO RESULT IF THE APPLICANT RECEIVES FINANCIAL ASSISTANCE; AND

(5) The board, taking into consideration the financial assistance priority assessment conducted pursuant to section 22-43.7-108, shall prioritize applications that describe public school facility capital construction projects deemed eligible for financial assistance based on the following criteria, in descending order of importance:

(a) (I) (A) Projects that will address safety hazards or health concerns at existing public school facilities, including concerns relating to public school facility security, and projects that are designed to incorporate technology into the educational environment.

(B) AS USED IN THIS SUBSECTION (5)(a)(I), "TECHNOLOGY" MEANS HARDWARE, DEVICES, OR EQUIPMENT NECESSARY FOR INDIVIDUAL STUDENT LEARNING AND CLASSROOM INSTRUCTION, INCLUDING ACCESS TO ELECTRONIC INSTRUCTIONAL MATERIALS, OR NECESSARY FOR PROFESSIONAL USE BY A CLASSROOM TEACHER.

(13) FOR FISCAL YEAR 2018-19 AND FOR EACH SUCCEEDING FISCAL YEAR, THE BOARD, WITH THE SUPPORT OF THE DIVISION AND SUBJECT TO THE APPROVAL OF THE STATE BOARD REGARDING FINANCIAL ASSISTANCE AWARDS AS SPECIFIED IN THIS SECTION, MAY PROVIDE FINANCIAL ASSISTANCE IN THE FORM OF TECHNOLOGY GRANTS. IN CONJUNCTION WITH ITS ESTABLISHMENT OF AN ANNUAL FINANCIAL ASSISTANCE TIMELINE AS REQUIRED BY SUBSECTION (2)(a) OF THIS SECTION, THE BOARD SHALL ANNUALLY NOTIFY ALL POTENTIAL APPLICANTS, BY SUCH MEANS AS THE BOARD DEEMS APPROPRIATE, THAT IT WILL ACCEPT AND CONSIDER APPLICATIONS FOR FINANCIAL ASSISTANCE IN THE FORM OF TECHNOLOGY GRANTS. TO BE ELIGIBLE FOR A TECHNOLOGY GRANT, AN APPLICANT FOR FINANCIAL ASSISTANCE MUST APPLY SPECIFICALLY FOR SUCH A GRANT IN ACCORDANCE WITH THE FINANCIAL ASSISTANCE TIMELINE ESTABLISHED BY THE BOARD PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION AND MUST SUBMIT AN APPLICATION IN THE FORM PRESCRIBED BY THE BOARD PURSUANT TO SUBSECTION (4) OF THIS SECTION. THE BOARD MAY AWARD A TECHNOLOGY GRANT TO FUND TECHNOLOGY, INCLUDING BUT NOT LIMITED TO COMMUNICATIONS AND INTERNET CONNECTIVITY TECHNOLOGY, TECHNOLOGY FOR INDIVIDUAL STUDENT LEARNING AND CLASSROOM INSTRUCTION, AND TECHNOLOGY AS DEFINED IN SUBSECTION (5)(a)(I)(B) OF THIS SECTION.

**SECTION 5.** In Colorado Revised Statutes, 22-43.7-111, **amend** (1) introductory portion, (1)(a)(III), (1)(a)(IV), and (1)(d) introductory portion as follows:

**22-43.7-111. Reporting requirements - auditing by state auditor.** (1) No later than February 15, 2010, and no later than each February 15 thereafter, the board shall present a written report to the education and finance committees of the house

of representatives and the senate and the capital development committee, or any successor committees, regarding the provision of financial assistance to applicants pursuant to this ~~article~~ ARTICLE 43.7. The report must include, at a minimum:

(a) An accounting of the financial assistance provided through the prior fiscal year that includes:

(III) A list of the public school facility capital construction projects for which financial assistance has been provided, ~~including~~ WHICH MUST INCLUDE A SUBLIST OF PROJECTS FOR WHICH FINANCIAL ASSISTANCE HAS BEEN PROVIDED IN THE FORM OF TECHNOLOGY GRANTS PURSUANT TO SECTION 22-43.7-109 (13), a brief description of each project, a statement of the amount and type of financial assistance provided for each project and, where applicable, the amount of financial assistance committed to be provided for but not yet provided for each project, a statement of the amount of matching moneys provided by the applicant for each project and, where applicable, the amount of matching moneys committed to be provided by the applicant but not yet provided for each project, and a summary of the reasons of the board and the state board for providing financial assistance for the project; and

(IV) A list of the public school facility capital construction projects for which financial assistance has been provided during the prior fiscal year, ~~including~~ WHICH MUST INCLUDE A SUBLIST OF PROJECTS FOR WHICH FINANCIAL ASSISTANCE HAS BEEN PROVIDED IN THE FORM OF TECHNOLOGY GRANTS PURSUANT TO SECTION 22-43.7-109 (13), a brief description of each project, a statement of the amount and type of financial assistance provided for each project, and a statement of the amount of matching moneys provided by the applicant for each project.

(d) A list of the financial assistance applications for public school facility capital construction that were denied financial assistance during the prior fiscal year, WHICH MUST INCLUDE A SUBLIST OF DENIED APPLICATIONS FOR PROJECTS FOR WHICH FINANCIAL ASSISTANCE IN THE FORM OF TECHNOLOGY GRANTS WAS REQUESTED PURSUANT TO SECTION 22-43.7-109 (13), that includes for each project:

**SECTION 6. Applicability.** This act applies to applications for financial assistance considered by the public school capital construction assistance board on or after the effective date of this act.

**SECTION 7. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 6, 2017