A BILL FOR AN ACT

Concerning the evaluation of applications for financial assistance under the "Building Excellent Schools Today Act".

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at http://www.leg.state.co.us/billsummaries.)

Committee on Cost-benefit Analysis of Legalized Marijuana in Colorado. State law requires the first $40 million of retail marijuana excise tax revenue annually collected to be credited to the public school capital construction assistance fund (assistance fund). Effective July 1, 2018, sections 2, 5, and 6 of the bill replace an existing annual diversion
of 12.5% of the $40 million to a charter school facilities assistance account of the assistance fund for formula-based distribution to charter schools with a diversion of that revenue to a new technology grant account of the assistance fund for the purpose of providing "Building Excellent Schools Today Act" (BEST) financial assistance in the form of technology grants to public schools.

Section 3 of the bill defines the term "technology" for purposes of the existing statute that gives high priority to BEST applications for projects that are designed to incorporate technology into the educational environment to include 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. For additional clarification, section 1 of the bill amends the definition of "capital construction" used for purposes of BEST to include "technology", as defined in the bill.

Section 4 of the bill requires the public school capital construction assistance board, when evaluating applications for BEST financial assistance, to consider the extent to which retail marijuana excise tax revenue credited to the public school capital construction assistance fund is derived from each county of the state.

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

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

22-43.7-103. Definitions. As used in this article, 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, 22-43.7-104, amend (2)(d) and (3.5) as follows:

22-43.7-104. Public school capital construction assistance fund - creation - crediting of moneys to fund - use of fund - emergency reserve - creation - reserve account - creation and use - repeal.

(2) (d) Beginning January 1, 2014, the state treasurer, as provided in
section 39-28.8-305 (1) (a), C.R.S., shall annually credit to the assistance
fund the first forty million dollars received and collected from the excise
tax on retail marijuana imposed pursuant to part 3 of article 28.8 of title
39. C.R.S. BEFORE JULY 1, 2018, the state treasurer shall credit twelve
and five-tenths ONE-HALF percent of the amount annually credited
pursuant to this paragraph (d) SUBSECTION (2)(d) to the charter school
facilities assistance account, which account is created within the
assistance fund. ON AND AFTER JULY 1, 2018, THE STATE TREASURER
SHALL CREDIT TWELVE AND ONE-HALF PERCENT OF THE AMOUNT
ANNUALLY CREDITED PURSUANT TO THIS SUBSECTION (2)(d) TO THE
TECHNOLOGY GRANT ACCOUNT, WHICH IS CREATED WITHIN THE
ASSISTANCE FUND. ANY UNEXPENDED AND UNENCUMBERED MONEY IN
THE CHARTER SCHOOL FACILITIES ASSISTANCE ACCOUNT ON JUNE 30,
2018, IS TRANSFERRED TO THE TECHNOLOGY GRANT ACCOUNT ON JULY 1,
2018, AND THE CHARTER SCHOOL FACILITIES ASSISTANCE ACCOUNT IS
ABOLISHED, EFFECTIVE JULY 1, 2018.

(3.5) In determining the amount of financial assistance that it
provides and in so doing managing the balance of the assistance fund, the
board shall ensure that, effective THAT:

(a) (I) EFFECTIVE June 30, 2013, and effective each June 30
thereafter THROUGH JUNE 30, 2018, the balance of the assistance fund, not
including the amounts credited to the charter school facilities assistance
account pursuant to paragraph (d) of subsection (2) SUBSECTION (2)(d) of
this section, is at least equal to the total amount of payments to be made
by the state during the next fiscal year under the terms of any
lease-purchase agreements entered into pursuant to section 22-43.7-110
(2) less the amount of any school district matching moneys and any
federal moneys to be received for the purpose of making the payments.

(II) THIS SUBSECTION (3.5)(a) IS REPEALED, EFFECTIVE JULY 1, 2018.

(b) THE BALANCE OF THE ASSISTANCE FUND NOT INCLUDING THE AMOUNTS CREDITED TO THE TECHNOLOGY GRANT ACCOUNT PURSUANT TO SUBSECTION (2)(d) OF THIS SECTION IS AT LEAST EQUAL TO THE TOTAL AMOUNT OF PAYMENTS TO BE MADE BY THE STATE DURING THE NEXT FISCAL YEAR UNDER THE TERMS OF ANY LEASE-PURCHASE AGREEMENTS ENTERED INTO PURSUANT TO SECTION 22-43.7-110 (2) LESS THE AMOUNT OF ANY SCHOOL DISTRICT MATCHING MONEYS AND ANY FEDERAL MONEYS TO BE RECEIVED FOR THE PURPOSE OF MAKING THE PAYMENTS.

SECTION 3. 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, AS DEFINED IN SECTION 22-43.7-109 (5)(a)(I)(B);

SECTION 4. In Colorado Revised Statutes, 22-43.7-109, amend (5) introductory portion and (5)(a)(I) as follows:

22-43.7-109. Financial assistance for public school capital
construction - application requirements - evaluation criteria - local
match requirements - rules - definition. (5) The board, taking into
consideration the financial assistance priority assessment conducted
pursuant to section 22-43.7-108 AND THE EXTENT TO WHICH RETAIL
MARIJUANA EXCISE TAX REVENUE CREDITED TO THE ASSISTANCE FUND
PURSUANT TO SECTION 22-43.7-104(2)(d) IS DERIVED FROM EACH COUNTY
OF THE STATE, 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.

SECTION 5. In Colorado Revised Statutes, 22-43.7-109, add
(13) as follows:

22-43.7-109. Financial assistance for public school capital
construction - application requirements - evaluation criteria - local
match requirements - technology grants - rules. (13) SUBJECT TO
ANNUAL APPROPRIATION, AND IN ADDITION TO ALL OTHER FINANCIAL
ASSISTANCE AWARDED PURSUANT TO THIS ARTICLE 43.7, 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, SHALL PROVIDE FINANCIAL ASSISTANCE IN THE FORM OF
TECHNOLOGY GRANTS FROM THE TECHNOLOGY ACCOUNT OF THE
ASSISTANCE FUND CREATED IN SECTION 22-43.7-104 (2)(d). 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 SECTION
22-43.7-109 (5)(a)(I)(B).

SECTION 6. In Colorado Revised Statutes, 22-43.7-110.3, add
(3) as follows:

22-43.7-110.3. Department - charter school facilities assistance
account - distribution - definitions - repeal. (3) This section is
repealed, effective July 1, 2018.

SECTION 7. 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 8. 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.