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HOUSE BILL NO. 2343

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Appropriations
on February 13, 2013)

(Patron Prior to Substitute—Delegate Sherwood)

A BILL to authorize the Virginia Public School Authority to issue bonds with the proceeds of the bonds to be used for the payment of grants to public school divisions for the purchase of school security equipment.

Be it enacted by the General Assembly of Virginia:

§ 1. That this act shall be known and may be cited as the "Public School Security Equipment Grant Act of 2013."

§ 2. For purposes of this act:

"Authority" means the Virginia Public School Authority.

"Department" means the Department of Education.

"Eligible school division" means a (i) local school division or (ii) regional vocational center, special education center, alternative education center, or academic year Governor's School serving public school students in grades K through 12. The term shall also include the Virginia School for the Deaf and the Blind.

"Local school division" means a school division with schools subject to state accreditation and whose students are required to be reported in fall membership for grades K through 12

§ 3. The Authority shall issue bonds for the purpose of grant payments to eligible school divisions of the Commonwealth to be used exclusively for purchasing security equipment for schools, including any related installation, which is designed to improve and help ensure the safety of students attending public schools in Virginia. Such grants shall not be used to pay for security equipment that is not included or described in a grant application approved by the Department pursuant to § 4. The amount of grants provided to each eligible school division pursuant to this act shall not exceed \$100,000 for each fiscal year of the Commonwealth. Funds for the payment of such grants shall be provided from the issuance of bonds by the Authority, provided that the Authority shall not issue more than an aggregate of \$6 million in bonds, after all costs, for such grants during each fiscal year of the Commonwealth. In addition, the Authority shall ensure that no more than an aggregate principal amount of \$30 million in bonds issued under this act shall be outstanding at any time. Eligible school divisions seeking a grant shall apply to the Department, which shall be responsible for administering the grant program.

The Authority shall work with the Department to determine the schedule for the issuance of the bonds, which shall be based in part upon eligible school divisions having sufficient funds to purchase such security equipment. The payment of debt service on such bonds shall be as provided in the general appropriation act.

Such grants shall be in addition to all other grants made to local governments, school boards, or school divisions according to law. In addition, such grants shall not replace or be in lieu of loans to local school boards or interest rate subsidy payments to local school boards pursuant to Chapter 11.1 (§ 22.1-175.1 et seq.) of Title 22.1 of the Code of Virginia, and the issuance of such bonds and the payment of such grants shall not, except as herein provided, affect or otherwise amend the provisions of such chapter as they relate to the powers and duties of the Authority, local school boards, local governments, or any other entity.

§ 4. Based on the criteria developed by the Department in collaboration with the Department of Criminal Justice Services, eligible school divisions shall apply for a grant by August 1 of each year. As a condition of receiving a grant, a local match of 25 percent of the grant amount shall be required. The Superintendent of Public Instruction is authorized to reduce the local match for local school divisions with a composite index of local ability-to-pay less than 0.2000, including any such school division participating in a regional vocational center, special education center, alternative education center, or academic year Governor's School. The Virginia School for the Deaf and the Blind shall be exempt from the match requirement.

Grants shall be awarded by the Department on a competitive basis. As part of the application for a grant, each eligible school division shall (i) identify with specificity the security equipment for which grants are being sought, as well as the estimated costs to purchase and install the security equipment, and (ii) certify that it is the intent of the eligible school division to purchase the security equipment within six months of approval of any grant by the Department.

If the Department determines that a grant shall be paid to an eligible school division under this act, it shall provide a written certification to the chairman of the Authority directing him to make a grant payment in a specific amount to the eligible school division. The Department, however, shall not make

60 such written certification until it has established that the Authority has sufficient funds to make such
61 grant payment. The Authority shall only make grant payments to an eligible school division for the
62 grants provided under this act upon receipt of such written certification. The Authority shall make such
63 grant payments, and in the amounts as directed by the Department, within 30 days of receipt of the
64 certification.

65 § 5. The Department shall develop guidelines concerning the requirements for applying for a grant
66 and the administration of such grants. Such guidelines shall not be subject to the Administrative Process
67 Act (§ 2.2-4000 et seq. of the Code of Virginia).

68 § 6. In the event that two or more local school divisions became one local school division, whether
69 by consolidation of only the local school divisions or by consolidation of the local governments, such
70 resulting local school division shall be eligible for grants on the basis of the same number of local
71 school divisions as existed prior to September 30, 2012.

72 § 7. The Authority shall take all necessary and proper steps as it is authorized to take under law to
73 carry out the provisions of this act.

74 § 8. Beginning in 2014, the Department shall make an annual report to the General Assembly by
75 September 1 of each year reporting (i) the total grants paid during the immediately prior fiscal year to
76 each eligible school division and (ii) a general description of the security equipment purchased by
77 eligible school divisions.