



COMMONWEALTH of VIRGINIA

Office of the Governor

Aimee Rogstad Guidera
Secretary of Education

October 3, 2022

The Honorable Barry D. Knight, Chair
House Appropriations Committee
1852 Mill Landing Road
Virginia Beach, Virginia 23457

The Honorable Janet D. Howell, Chair
Senate Finance and Appropriations
Committee
P. O. Box 2608
Reston, Virginia 20195-0608

Dear Delegate Knight and Senator Howell:

Pursuant to Item 128, Paragraph A. of Chapter 2, I write to bring you up to date on activity relating to tax-exempt private activity bond allocations to the Commonwealth of Virginia for qualified public educational facilities pursuant to the Economic Growth and Tax Relief Reconciliation Act of 2001 of the Internal Revenue Code of 1986, as amended.

The 2001 Tax Act permits private entities partnering with public schools to receive a capital cost subsidy provided by a tax-exempt private activity bond for public school facilities. The bonds must be used to finance a public elementary or secondary school facility to be owned by a private, for-profit corporation pursuant to a public-private partnership agreement with a state or local educational agency. The term "school facility" means a school building, any functionally related and subordinate facility and land with respect to such buildings, and any other depreciable property for use in such facilities.

Under the public-private partnership agreement, the corporation must agree to 1) construct, rehabilitate, refurbish, and/or equip a school facility, and 2) transfer the school facility to the educational agency for no additional consideration at the end of the term of the agreement.

The bonds have a volume limit equal to \$10 per state resident in any calendar year. For calendar year 2022, Virginia's portion of the bond limitation amount is \$86.4 million. Because Virginia carried forward the volume limit from two previous years, we have \$257.7 million currently available for issuance.

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October 3, 2022
Page 2

To date, this office has received no requests for this bond authority. I will let you know if I receive a bond request from any of the school divisions. Please let me know if you have questions about this letter or the program.

Sincerely,

Aimee Guidera
Secretary of Education

AG/KCD/eml