

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 18-0286.02 Nicole Myers x4326

SENATE BILL 18-158

SENATE SPONSORSHIP

Coram and Garcia,

HOUSE SPONSORSHIP

Duran and Catlin,

Senate Committees

Education
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING MEASURES TO INCREASE SCHOOL DISTRICT ACCESS TO**
102 **INTEROPERABLE COMMUNICATION TECHNOLOGY TO IMPROVE**
103 **SCHOOL SAFETY, AND, IN CONNECTION THEREWITH, MAKING AN**
104 **APPROPRIATION.**

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://leg.colorado.gov>.)

The bill creates the school access for emergency response grant program (grant program) in the division of local government (division) in the department of local affairs (department). The purpose of the grant

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

1 THE "SCHOOL ACCESS FOR EMERGENCY RESPONSE (SAFER) GRANT
2 PROGRAM ACT".

3 **24-33.5-2102.** **Legislative declaration.** (1) THE GENERAL
4 ASSEMBLY FINDS THAT:

5 (a) IN 2008, THE GENERAL ASSEMBLY PASSED SENATE BILL 08-181
6 CALLING FOR THE IMPROVEMENT OF COORDINATION AMONG AGENCIES
7 WHEN RESPONDING TO SCHOOL INCIDENTS;

8 (b) IN 2011, THE GENERAL ASSEMBLY PASSED ADDITIONAL
9 LEGISLATION, SENATE BILL 11-173, CONCERNING THE INTEROPERABILITY
10 OF COMMUNICATIONS IN SCHOOLS;

11 (c) WHILE PROGRESS HAS BEEN MADE IN COORDINATION,
12 INTEROPERABILITY CONTINUES TO BE AN ISSUE DUE TO LACK OF FUNDING
13 FOR NEEDED HARDWARE, SOFTWARE, AND TRAINING TO ALLOW FOR
14 SEAMLESS COMMUNICATIONS BETWEEN EXISTING SCHOOL DISTRICT
15 COMMUNICATION SYSTEMS AND FIRST RESPONDER COMMUNICATION
16 SYSTEMS;

17 (d) THE USE OF INTEROPERABLE TECHNOLOGY WOULD ALLOW FOR
18 SCHOOLS AND SCHOOL DISTRICT STAKEHOLDERS TO PARTICIPATE IN THE
19 STATE'S ONGOING IMPROVED STATEWIDE RADIO INFRASTRUCTURE;

20 (e) IT IS NECESSARY TO CREATE A PROGRAM TO LEVERAGE THE
21 PUBLIC SAFETY RADIOS SYSTEM SERVING THE REGION, INCLUDING BUT NOT
22 LIMITED TO THE STATE'S DIGITAL TRUNKED NETWORK, WHICH IS A
23 STANDARDS-BASED FIRST RESPONDER COMMUNICATIONS SYSTEM IN PLACE
24 STATEWIDE, AND TO EXPAND THE INFRASTRUCTURE BY ALLOWING DIRECT
25 COMMUNICATION FROM SCHOOL RADIOS TO FIRST RESPONDER RADIOS TO
26 IMPROVE INTEROPERABILITY;

27 (f) AN ADAPTABLE SYSTEM CAN CONNECT ANY SCHOOL'S EXISTING

1 RADIO EQUIPMENT TO THE RADIO OF A FIRST RESPONDER. IN ADDITION, THE
2 CONNECTION CAN BE SWITCHED ON AND OFF IMMEDIATELY BY PUBLIC
3 SAFETY PERSONNEL.

4 (g) PUBLIC SAFETY OFFICIALS MUST HAVE THE ABILITY TO ENABLE
5 AND DISABLE THE INTEROPERABLE TECHNOLOGY; AND

6 (h) GOING BEYOND THE CRITICAL 911 CALL, IT IS IMPORTANT TO
7 USE TECHNOLOGY THAT ENABLES EMERGENCY SERVICES PERSONNEL AND
8 SCHOOL OFFICIALS TO COMMUNICATE IN REAL-TIME DURING AN INCIDENT.

9 (2) THE GENERAL ASSEMBLY FURTHER FINDS THAT THE PURPOSE
10 OF THIS PART 21 IS TO CREATE THE SCHOOL ACCESS FOR EMERGENCY
11 RESPONSE GRANT PROGRAM TO PROVIDE SCHOOLS WITH MONEY FOR
12 NEEDED HARDWARE, SOFTWARE, AND TRAINING SO THAT WHEN AN
13 EMERGENCY HAPPENS, DISPATCHERS CAN ACTIVATE THE TECHNOLOGY,
14 TRAINED SCHOOL-SAFETY TEAMS CAN CONNECT ON THE RADIO, AND FIRST
15 RESPONDERS CAN ARRIVE ON THE SCENE INFORMED WITH THE MOST
16 UP-TO-DATE INFORMATION.

17 **24-33.5-2103. Definitions.** AS USED IN THIS PART 21, UNLESS THE
18 CONTEXT OTHERWISE REQUIRES:

19 (1) "CRISIS MANAGEMENT PLAN" MEANS A PLAN INCLUDING
20 TACTICAL STRATEGIES AND ACTIONS FOR RESPONDING TO AN EMERGENCY.

21 (2) "DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC SAFETY.

22 (3) "DIRECTOR" MEANS THE DIRECTOR OF THE DIVISION OF
23 HOMELAND SECURITY AND EMERGENCY MANAGEMENT CREATED IN
24 SECTION 24-33.5-1603.

25 (4) "FUND" MEANS THE SCHOOL ACCESS FOR EMERGENCY
26 RESPONSE GRANT PROGRAM CASH FUND CREATED IN SECTION 24-32-3607.

27 (5) "GRANT PROGRAM" MEANS THE SCHOOL ACCESS FOR

1 EMERGENCY RESPONSE GRANT PROGRAM CREATED IN THIS PART 21.

2 (6) "INTEROPERABILITY" MEANS THE ABILITY OF ONE OR MORE
3 RADIO SYSTEMS TO COMMUNICATE WITH ANOTHER RADIO SYSTEM.

4 (7) "INTEROPERABLE TECHNOLOGY" MEANS SOFTWARE AND
5 HARDWARE THAT ENABLES TWO DIFFERENT RADIO SYSTEMS TO
6 COMMUNICATE.

7 (8) "MEMORANDUM OF UNDERSTANDING" MEANS AN AGREEMENT
8 BETWEEN TWO OR MORE PARTIES THAT IS NOT LEGALLY BINDING TO
9 FORMALIZE A WORKING RELATIONSHIP.

10 (9) "PUBLIC SAFETY 911 ANSWERING POINT" MEANS THE
11 PROFESSIONALS THAT ANSWER 911 CALLS.

12 (10) "RADIO SYSTEM" MEANS A PRIVATE NETWORK FOR VOICE
13 COMMUNICATIONS.

14 (11) "SAFETY TEAM" MEANS PERSONNEL WHO HAVE A ROLE IN
15 CRISIS MANAGEMENT PLANS.

16 (12) "SCHOOL" MEANS A SCHOOL DISTRICT, PUBLIC SCHOOL WITHIN
17 A SCHOOL DISTRICT, CHARTER SCHOOL AUTHORIZED BY A SCHOOL
18 DISTRICT PURSUANT TO PART 1 OF ARTICLE 30.5 OF TITLE 22, CHARTER
19 SCHOOL AUTHORIZED BY THE STATE CHARTER SCHOOL INSTITUTE
20 PURSUANT TO PART 5 OF ARTICLE 30.5 OF TITLE 22, OR BOARD OF
21 COOPERATIVE SERVICES CREATED AND OPERATING PURSUANT TO ARTICLE
22 5 OF TITLE 22 THAT OPERATES ONE OR MORE PUBLIC SCHOOLS.

23 (13) "STANDARDS BASED" MEANS RADIO SPECIFICATIONS DEFINED
24 BY A NATIONAL ASSOCIATION OF THE TELECOMMUNICATIONS INDUSTRY
25 THAT EVERY MANUFACTURER CAN FOLLOW TO IMPLEMENT EQUIPMENT
26 INTEROPERABILITY.

27 **24-33.5-2104. School access for emergency response grant**

1 **program - created - rules.** (1) THERE IS HEREBY CREATED IN THE
2 DEPARTMENT IN THE DIVISION OF HOMELAND SECURITY AND EMERGENCY
3 MANAGEMENT THE SCHOOL ACCESS FOR EMERGENCY RESPONSE GRANT
4 PROGRAM TO PROVIDE GRANTS TO SCHOOLS TO PROVIDE FUNDING FOR
5 NEEDED INTEROPERABLE COMMUNICATION HARDWARE, SOFTWARE,
6 EQUIPMENT MAINTENANCE, AND TRAINING TO ALLOW FOR SEAMLESS
7 COMMUNICATIONS BETWEEN NEW OR EXISTING SCHOOL COMMUNICATIONS
8 SYSTEMS AND FIRST RESPONDER COMMUNICATIONS SYSTEMS.

9 (2) GRANT RECIPIENTS MAY USE THE MONEY RECEIVED THROUGH
10 THE GRANT PROGRAM FOR THE FOLLOWING PURPOSES:

11 (a) TO PROVIDE TRAINING PROGRAMS TO TEACH DISTRICT-BASED
12 SECURITY PERSONNEL AND APPROPRIATE SCHOOL PERSONNEL BASIC
13 PROCEDURES FOR EFFECTIVE COMMUNICATIONS WITH FIRST RESPONDERS
14 IN AN EMERGENCY;

15 (b) TO WORK WITH THE VENDOR SELECTED BY THE CHIEF
16 INFORMATION OFFICER IN THE OFFICE OF INFORMATION TECHNOLOGY
17 PURSUANT TO SECTION 24-37.5-507 TO PROVIDE OR UPGRADE THE
18 FOLLOWING:

19 (I) A SYSTEM THAT CAN BE ACTIVATED AND DEACTIVATED BY THE
20 PUBLIC SAFETY 911 ANSWERING POINT;

21 (II) RADIO BRIDGE ABILITY THAT IS NONRADIO VENDOR SPECIFIC;
22 AND

23 (III) A TWO-WAY RADIO INTEROPERABILITY SOLUTION THAT IS NOT
24 RELIANT ON CELLULAR, INTERNET, OR DATA NETWORKS;

25 (c) TO MAINTAIN OR IMPROVE A SCHOOL'S EXISTING
26 INTEROPERABLE COMMUNICATION HARDWARE OR SOFTWARE OR TO
27 PROVIDE INTEROPERABLE COMMUNICATION HARDWARE AND SOFTWARE TO

1 A SCHOOL THAT DOES NOT YET HAVE IT; AND

2 (d) TO ESTABLISH A FIVE-YEAR CONTRACT WITH THE SELECTED
3 VENDOR SUBJECT TO APPROPRIATION, THAT WILL ENSURE A CONSISTENT
4 PROGRAM FOR INTEROPERABILITY ACROSS THE STATE IN EVERY SCHOOL
5 AND PUBLIC SAFETY 911 ANSWERING POINT.

6 (3) THE DIVISION OF HOMELAND SECURITY AND EMERGENCY
7 MANAGEMENT SHALL ADMINISTER THE GRANT PROGRAM AND, SUBJECT TO
8 AVAILABLE APPROPRIATIONS, SHALL AWARD GRANTS AS PROVIDED IN THIS
9 PART 21. SUBJECT TO AVAILABLE APPROPRIATIONS, GRANTS SHALL BE
10 PAID OUT OF THE FUND CREATED IN SECTION 24-33.5-2107.

11 (4) THE DIRECTOR OR THE DIRECTOR'S DESIGNEE SHALL
12 IMPLEMENT THE GRANT PROGRAM IN ACCORDANCE WITH THIS PART 21.
13 PURSUANT TO ARTICLE 4 OF THIS TITLE 24, THE DIRECTOR OR THE
14 DIRECTOR'S DESIGNEE SHALL PROMULGATE SUCH RULES AS ARE REQUIRED
15 IN THIS PART 21 AND SUCH ADDITIONAL RULES AS MAY BE NECESSARY TO
16 IMPLEMENT THE GRANT PROGRAM. AT A MINIMUM, THE RULES MUST
17 SPECIFY THE TIME FRAMES FOR APPLYING FOR GRANTS, THE FORM OF THE
18 GRANT PROGRAM APPLICATION, AND THE TIME FRAMES FOR DISTRIBUTING
19 GRANT MONEY.

20 **24-33.5-2105. Grant program - application - criteria - awards.**

21 (1) A SCHOOL IS REQUIRED TO HAVE A MEMORANDUM OF
22 UNDERSTANDING WITH ITS REGIONAL PUBLIC SAFETY 911 ANSWERING
23 POINT FOR RADIO INTEROPERABILITY TO BE ELIGIBLE TO APPLY FOR A
24 GRANT. TO RECEIVE A GRANT, A SCHOOL MUST SUBMIT AN APPLICATION
25 TO THE DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT
26 IN ACCORDANCE WITH RULES PROMULGATED BY THE DIRECTOR. AT A
27 MINIMUM, THE APPLICATION MUST INCLUDE THE FOLLOWING

1 INFORMATION:

2 (a) A DESCRIPTION OF THE SCHOOL'S CURRENT INTEROPERABLE
3 COMMUNICATION TECHNOLOGY, IF ANY;

4 (b) A SUMMARY OF COMPLIANCE WITH THE COLORADO SCHOOL
5 RESPONSE FRAMEWORK PURSUANT TO SECTION 22-32-109.1 (4) OR
6 22-30.5-503.5;

7 (c) A DESCRIPTION OF EFFORTS THAT THE SCHOOL HAS TAKEN TO
8 COORDINATE EMERGENCY COMMUNICATION WITH LAW ENFORCEMENT AND
9 OTHER SCHOOLS; AND

10 (d) A DESCRIPTION OF THE PURPOSE FOR WHICH THE SCHOOL
11 WOULD PLAN TO USE THE GRANT MONEY.

12 (2) THE DIRECTOR OR THE DIRECTOR'S DESIGNEE SHALL REVIEW
13 THE APPLICATIONS RECEIVED PURSUANT TO THIS SECTION. IN AWARDING
14 GRANTS, THE DIRECTOR OR THE DIRECTOR'S DESIGNEE SHALL CONSIDER
15 THE FOLLOWING CRITERIA:

16 (a) THE EXTENT TO WHICH THE SCHOOL IS FULLY COMPLIANT WITH
17 THE COLORADO SCHOOL RESPONSE FRAMEWORK PURSUANT TO SECTION
18 22-32-109.1 (4) OR 22-30.5-503.5; AND

19

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20 (b) WHETHER THE SCHOOL HAS A CRISIS MANAGEMENT PLAN IN
21 PLACE WITH SAFETY TEAM MEMBERS DESIGNATED FOR COMMUNICATIONS
22 WITH FIRST RESPONDERS.

23 (3) SUBJECT TO AVAILABLE APPROPRIATIONS, ON OR BEFORE
24 DECEMBER 31, 2018, AND ON OR BEFORE SEPTEMBER 1 EACH YEAR
25 THEREAFTER FOR THE DURATION OF THE GRANT PROGRAM, THE DIRECTOR
26 OR THE DIRECTOR'S DESIGNEE SHALL AWARD GRANTS AS PROVIDED IN THIS
27 PART 21. THE DIRECTOR OR THE DIRECTOR'S DESIGNEE SHALL DISTRIBUTE

1 THE GRANT MONEY WITHIN THIRTY DAYS AFTER THE GRANTS ARE
2 AWARDED.

3 **24-33.5-2106. Reporting requirements.** (1) ON OR BEFORE
4 JANUARY 15, 2019, AND ON OR BEFORE JANUARY 15 EACH YEAR
5 THEREAFTER FOR THE DURATION OF THE GRANT PROGRAM, EACH SCHOOL
6 THAT RECEIVES A GRANT THROUGH THE GRANT PROGRAM SHALL SUBMIT
7 A REPORT TO THE DIVISION OF LOCAL GOVERNMENT. AT A MINIMUM, THE
8 REPORT MUST INCLUDE THE FOLLOWING INFORMATION:

9 (a) THE NUMBER OF SCHOOLS THAT USED GRANT MONEY TO
10 PROVIDE TRAINING PROGRAMS TO APPROPRIATE PERSONNEL REGARDING
11 EFFECTIVE COMMUNICATIONS WITH FIRST RESPONDERS IN AN EMERGENCY;

12 (b) THE NUMBER OF SCHOOLS THAT USED GRANT MONEY TO
13 PROVIDE OR UPGRADE ITS INTEROPERABLE TECHNOLOGY, INCLUDING
14 INTEROPERABLE COMMUNICATION HARDWARE OR SOFTWARE; AND

15 (c) THE TOTAL NUMBER OF STUDENTS ENROLLED IN THE SCHOOLS
16 THAT RECEIVED GRANT MONEY.

17 (2) ON OR BEFORE JANUARY 15, 2019, AND ON OR BEFORE
18 JANUARY 15 EACH YEAR THEREAFTER FOR THE DURATION OF THE GRANT
19 PROGRAM, THE DEPARTMENT SHALL INCLUDE A SUMMARIZED REPORT OF
20 THE ACTIVITIES OF THE GRANT PROGRAM IN THE DEPARTMENT'S ANNUAL
21 PRESENTATION TO THE APPLICABLE COMMITTEE OF REFERENCE PURSUANT
22 TO SECTION 2-7-203.

23 (3) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE
24 REPORTING REQUIREMENTS SET FORTH IN THIS SECTION CONTINUE UNTIL
25 THE GRANT PROGRAM REPEALS PURSUANT TO SECTION 24-33.5-2108.

26 **24-33.5-2107. School access for emergency response grant**
27 **program cash fund.** (1) (a) THE SCHOOL ACCESS FOR EMERGENCY

1 RESPONSE GRANT PROGRAM CASH FUND IS HEREBY CREATED IN THE STATE
2 TREASURY. THE FUND CONSISTS OF MONEY TRANSFERRED TO THE FUND
3 PURSUANT TO SUBSECTION (1)(b) OF THIS SECTION AND ANY OTHER MONEY
4 THAT THE GENERAL ASSEMBLY MAY APPROPRIATE TO THE FUND.

5 (b) ON JULY 1, 2018, AND EACH JULY 1 THEREAFTER THROUGH
6 JULY 1, 2023, THE STATE TREASURER SHALL TRANSFER FIVE MILLION
7 DOLLARS TO THE FUND FROM THE STATE PUBLIC SCHOOL FUND CREATED
8 IN SECTION 22-54-114.

9 (2) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
10 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
11 FUND TO THE FUND.

12 (3) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL
13 ASSEMBLY, THE DEPARTMENT MAY EXPEND MONEY FROM THE FUND FOR
14 THE PURPOSE OF AWARDING GRANTS TO SCHOOLS PURSUANT TO THIS PART
15 21. THE DEPARTMENT MAY USE UP TO THREE PERCENT OF THE MONEY
16 ANNUALLY APPROPRIATED FOR THE GRANT PROGRAM TO PAY THE DIRECT
17 AND INDIRECT COSTS THAT IT INCURS TO ADMINISTER THE GRANT
18 PROGRAM.

19 (4) THE STATE TREASURER SHALL TRANSFER ALL UNEXPENDED
20 AND UNENCUMBERED MONEY IN THE FUND TO THE GENERAL FUND AFTER
21 THE GRANT PROGRAM REPEALS PURSUANT TO SECTION 24-33.5-2108.

22 24-33.5-2108. **Repeal of part.** THIS PART 21 IS REPEALED,
23 EFFECTIVE JULY 1, 2024.

24 **SECTION 2.** In Colorado Revised Statutes, **add** 24-37.5-507 as
25 follows:

26 **24-37.5-507. Interoperable communication technology - school**
27 **access for emergency response program - competitive solicitation.**

1 (1) THE CHIEF INFORMATION OFFICER OR THE OFFICER'S DESIGNEE SHALL
2 RETAIN A VENDOR TO PROVIDE AN INTEROPERABLE COMMUNICATION
3 TECHNOLOGY SOLUTION FOR USE BY SCHOOLS PURSUANT TO THE SCHOOL
4 ACCESS FOR EMERGENCY RESPONSE GRANT PROGRAM CREATED IN PART 21
5 OF ARTICLE 33.5 OF THIS TITLE 24. THE CHIEF INFORMATION OFFICER OR
6 THE OFFICER'S DESIGNEE SHALL SOLICIT VENDORS TO PROVIDE THE
7 INTEROPERABLE COMMUNICATION TECHNOLOGY FOR USE BY SCHOOLS
8 THROUGH A COMPETITIVE SOLICITATION PROCESS IN ACCORDANCE WITH
9 THE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF THIS TITLE 24. THE
10 CHIEF INFORMATION OFFICER OR THE OFFICER'S DESIGNEE SHALL SELECT
11 A VENDOR THAT IS ABLE TO PROVIDE THE FOLLOWING:

12 (a) A SYSTEM THAT CAN BE ACTIVATED AND DEACTIVATED BY THE
13 PUBLIC SAFETY 911 ANSWERING POINT;

14 (b) RADIO BRIDGE ABILITY THAT IS NONRADIO VENDOR SPECIFIC;
15 AND

16 (c) A TWO-WAY RADIO INTEROPERABILITY SOLUTION THAT IS NOT
17 RELIANT ON CELLULAR, INTERNET, OR DATA NETWORKS;

18 (2) THE CHIEF INFORMATION OFFICER OR THE OFFICER'S DESIGNEE
19 SHALL ENTER INTO A CONTRACT WITH THE SELECTED VENDOR BY
20 SEPTEMBER 1, 2018.

21 **SECTION 3. Appropriation.** (1) For the 2018-19 state fiscal
22 year, \$5,000,000 is appropriated to the department of public safety for use
23 by the division of homeland security and emergency management. This
24 appropriation is from the school access for emergency response grant
25 program cash fund created in section 24-32-3607 (1)(a), C.R.S. To
26 implement this act, the division may use this appropriation as follows:

27 (a) \$126,352 for personal services, which amount is based on an

1 assumption that the division will require an additional 2.3 FTE;
2 (b) \$16,294 for operating expenses; and
3 (c) \$4,857,354 for the school access for emergency response grant
4 program.

5 **SECTION 4. Safety clause.** The general assembly hereby finds,
6 determines, and declares that this act is necessary for the immediate
7 preservation of the public peace, health, and safety.