

CHAPTER 188

GOVERNMENT - STATE

HOUSE BILL 22-1120

BY REPRESENTATIVE(S) Van Winkle and Neville, Amabile, Bacon, Baisley, Benavidez, Bernett, Bird, Bockenfeld, Boesenecker, Caraveo, Carver, Catlin, Cutter, Daugherty, Duran, Esgar, Exum, Froelich, Gray, Hooton, Jodeh, Kennedy, Kipp, Lindsay, Lontine, Lynch, McCluskie, McCormick, McLachlan, Mullica, Ortiz, Pelton, Ransom, Rich, Ricks, Roberts, Sandridge, Soper, Titone, Valdez A., Valdez D., Van Beber, Weissman, Young, Garnett; also SENATOR(S) Woodward and Bridges, Cooke, Coram, Ginal, Hansen, Hisey, Holbert, Kirkmeyer, Kolker, Lee, Liston, Lundeen, Pettersen, Priola, Rankin, Rodriguez, Scott, Simpson, Smallwood, Sonnenberg, Story, Winter, Zenzinger, Fenberg.

AN ACT

CONCERNING THE RECREATION OF THE SCHOOL SECURITY DISBURSEMENT PROGRAM TO PROVIDE FUNDING FOR LOCAL EDUCATION PROVIDERS TO IMPLEMENT SCHOOL SECURITY IMPROVEMENTS TO PREVENT INCIDENTS OF SCHOOL VIOLENCE.

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

SECTION 1. In Colorado Revised Statutes, **recreate and reenact, with amendments, 24-33.5-1810** as follows:

24-33.5-1810. School security disbursement program - created - rules - definitions - repeal. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "DISBURSEMENT PROGRAM" MEANS THE SCHOOL SECURITY DISBURSEMENT PROGRAM CREATED IN SUBSECTION (2) OF THIS SECTION.

(b) "ELIGIBLE ENTITY" MEANS A LOCAL EDUCATION PROVIDER OR AN ELIGIBLE NONPROFIT ORGANIZATION.

(c) "ELIGIBLE NONPROFIT ORGANIZATION" MEANS A NONPROFIT ORGANIZATION THAT IS EXEMPT FROM TAXATION UNDER SECTION 501 (c)(3) OF THE FEDERAL "INTERNAL REVENUE CODE OF 1986", AS AMENDED, THAT APPLIES TO WORK WITH SPECIFIC LOCAL EDUCATION PROVIDERS OR FIRST RESPONDERS, AND THAT:

(I) HAS EXPERIENCE PROVIDING TRAINING FOR SCHOOL SAFETY INCIDENT

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

RESPONSE;

(II) HAS EXPERIENCE WORKING WITH LAW ENFORCEMENT AGENCIES AND OTHER FIRST RESPONDERS;

(III) HAS EXPERIENCE WORKING WITH SCHOOL DISTRICTS, SCHOOL PERSONNEL, AND STUDENTS ON ISSUES RELATED TO SCHOOL SAFETY INCIDENT RESPONSE; AND

(IV) IDENTIFIES IN ITS APPLICATION LOCAL EDUCATION PROVIDERS OR FIRST RESPONDERS THAT WILL PARTICIPATE IN SCHOOL SAFETY INCIDENT RESPONSE TRAINING OR PROGRAMS.

(d) "LOCAL EDUCATION PROVIDER" MEANS A SCHOOL DISTRICT, A CHARTER SCHOOL THAT IS AUTHORIZED PURSUANT TO PART 1 OF ARTICLE 30.5 OF TITLE 22, AN INSTITUTE CHARTER SCHOOL THAT IS AUTHORIZED PURSUANT TO PART 5 OF ARTICLE 30.5 OF TITLE 22, OR A BOARD OF COOPERATIVE SERVICES AS DEFINED IN SECTION 22-5-103.

(2) (a) THERE IS CREATED IN THE DEPARTMENT THE SCHOOL SECURITY DISBURSEMENT PROGRAM TO PROVIDE DISBURSEMENTS TO ELIGIBLE ENTITIES TO USE FOR THE PURPOSES DESCRIBED IN SUBSECTION (3) OF THIS SECTION TO IMPROVE SECURITY WITHIN PUBLIC SCHOOLS.

(b) SUBJECT TO AVAILABLE APPROPRIATIONS, THE DEPARTMENT SHALL DISBURSE MONEY TO APPLICANTS AS PROVIDED IN SUBSECTION (5) OF THIS SECTION FROM MONEY CREDITED TO THE SCHOOL SECURITY DISBURSEMENT CASH FUND, CREATED IN SECTION 24-33.5-1811. IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE DEPARTMENT DISTRIBUTE THE MONEY CREDITED TO THE SCHOOL SECURITY DISBURSEMENT CASH FUND AS QUICKLY AS PRACTICABLE BASED ON THE RECEIPT OF QUALIFYING APPLICATIONS.

(3) AN ELIGIBLE ENTITY THAT RECEIVES A DISBURSEMENT FROM THE DISBURSEMENT PROGRAM MAY USE THE DISBURSED MONEY ONLY FOR THE FOLLOWING PURPOSES:

(a) CAPITAL CONSTRUCTION THAT IMPROVES THE SECURITY OF A PUBLIC SCHOOL FACILITY OR PUBLIC SCHOOL VEHICLE, INCLUDING BUT NOT LIMITED TO ANY STRUCTURE OR INSTALLED HARDWARE, DEVICE, OR EQUIPMENT THAT PROTECTS A PUBLIC SCHOOL FACILITY OR PUBLIC SCHOOL VEHICLE AND THE STUDENTS, EDUCATORS, AND OTHER INDIVIDUALS WHO ATTEND, WORK IN, OR VISIT A PUBLIC SCHOOL FACILITY OR ARE TRANSPORTED IN A PUBLIC SCHOOL VEHICLE FROM THREATS OF PHYSICAL HARM INCLUDING BUT NOT LIMITED TO ANY STRUCTURE OR INSTALLED HARDWARE, DEVICE, OR EQUIPMENT THAT:

(I) PREVENTS THE ENTRY OF UNAUTHORIZED INDIVIDUALS INTO A PUBLIC SCHOOL FACILITY OR A PROTECTED SPACE WITHIN A PUBLIC SCHOOL FACILITY OR ONTO A PUBLIC SCHOOL VEHICLE; OR

(II) CAN BE USED TO EXPEDITE COMMUNICATION WHEN A THREAT IS PRESENT;

(b) TRAINING IN STUDENT THREAT ASSESSMENT FOR ALL SCHOOL BUILDING STAFF

WHO HAVE CONTACT WITH STUDENTS, WHICH MUST INCLUDE BEST PRACTICES FOR CONDUCTING THREAT ASSESSMENTS, SUCH AS INSTRUCTION ON HOW TO PREVENT BIAS WHEN CONDUCTING A THREAT ASSESSMENT;

(c) IN COLLABORATION WITH LOCAL LAW ENFORCEMENT AGENCIES, PROVIDING THE TRAINING FOR PEACE OFFICERS ON INTERACTIONS WITH STUDENTS AT SCHOOL;

(d) SCHOOL EMERGENCY RESPONSE TRAINING FOR ALL SCHOOL BUILDING STAFF;

(e) PROGRAMS TO HELP STUDENTS BECOME MORE RESILIENT IN MEETING THE DAILY CHALLENGES THEY FACE WITHOUT RESORTING TO VIOLENCE AGAINST THEMSELVES OR OTHERS, INCLUDING ADDRESSING THE FUNDAMENTAL CAUSES OF VIOLENCE AND AGGRESSION AND HELPING STUDENTS BECOME RESPONSIBLE MEMBERS OF THEIR SCHOOLS, NEIGHBORHOODS, COMMUNITIES, AND FAMILIES;

(f) DEVELOPING AND PROVIDING TRAINING PROGRAMS, CURRICULUMS, AND SEMINARS RELATED TO SCHOOL SAFETY INCIDENT RESPONSE; AND

(g) DEVELOPING BEST PRACTICES AND PROTOCOLS RELATED TO SCHOOL SAFETY INCIDENT RESPONSE.

(4) AN ELIGIBLE ENTITY, INCLUDING ANY COMBINATION OF ELIGIBLE ENTITIES THAT WISH TO APPLY TOGETHER AS A SINGLE, REGIONAL APPLICANT, MAY APPLY FOR A DISBURSEMENT FROM THE DISBURSEMENT PROGRAM BY SUBMITTING AN APPLICATION TO THE DEPARTMENT THAT INCLUDES THE FOLLOWING INFORMATION:

(a) THE PURPOSE OR PURPOSES DESCRIBED IN SUBSECTION (3) OF THIS SECTION FOR WHICH THE APPLICANT IS REQUESTING THE DISBURSEMENT;

(b) THE AMOUNT OF DISBURSED MONEY REQUESTED BASED ON AN ITEMIZED ESTIMATE OF THE EXPECTED COST OF THE PURPOSE OR PURPOSES FOR WHICH THE APPLICANT IS REQUESTING THE DISBURSEMENT AND TAKING INTO ACCOUNT ANY MATCHING MONEY, IF APPLICABLE, PURSUANT TO SUBSECTION (5) OF THIS SECTION;

(c) EVIDENCE OF THE AVAILABILITY OF AND COMMITMENT OF THE APPLICANT TO USE FINANCIAL RESOURCES TO MATCH THE AMOUNT OF THE DISBURSEMENT;

(d) THE APPLICANT'S COMMITMENT TO PROVIDE INFORMATION TO THE DEPARTMENT AS REQUIRED FOR THE ANNUAL REPORT DESCRIBED IN SUBSECTION (6) OF THIS SECTION;

(e) IF THE ELIGIBLE ENTITY IS A CHARTER SCHOOL THAT IS AUTHORIZED PURSUANT TO PART 1 OF ARTICLE 30.5 OF TITLE 22, LOCATED WITHIN A SCHOOL DISTRICT FACILITY, AND PARTICIPATING IN THE SCHOOL DISTRICT'S SAFETY AND SECURITY SERVICES, INFORMATION DEMONSTRATING THAT THE CHARTER SCHOOL HAS COLLABORATED WITH THE SCHOOL DISTRICT IN PREPARING AND SUBMITTING THE APPLICATION; AND

(f) ANY ADDITIONAL INFORMATION, AS SPECIFIED BY RULE OF THE EXECUTIVE DIRECTOR, THAT IS NECESSARY FOR THE DEPARTMENT TO EVALUATE THE LIKELY EFFECTIVENESS OF THE APPLICANT'S USE OF THE DISBURSED MONEY IN IMPROVING

SECURITY IN PUBLIC SCHOOL FACILITIES OR VEHICLES.

(5) THE DEPARTMENT SHALL REVIEW EACH APPLICATION RECEIVED PURSUANT TO SUBSECTION (4) OF THIS SECTION. SUBJECT TO AVAILABLE APPROPRIATIONS, THE DEPARTMENT SHALL DISBURSE MONEY TO THE APPLICANT IF THE DEPARTMENT DETERMINES THAT THE APPLICATION MEETS THE REQUIREMENTS SPECIFIED IN SUBSECTION (4) OF THIS SECTION AND THE PURPOSE OR PURPOSES FOR WHICH THE APPLICANT INTENDS TO USE THE DISBURSED MONEY ARE LIKELY TO IMPROVE SECURITY IN PUBLIC SCHOOL FACILITIES OR VEHICLES AND ARE NOT LIKELY TO EXACERBATE IDENTIFIED STUDENT DISCIPLINARY DISPARITIES. THE DEPARTMENT SHALL GIVE PRIORITY TO APPLICANTS THAT COMMIT TO PROVIDING FINANCIAL RESOURCES TO MATCH THE AMOUNT OF THE DISBURSEMENT. THE DEPARTMENT SHALL DETERMINE THE DISBURSEMENT AMOUNT TAKING INTO ACCOUNT THE AMOUNT IDENTIFIED IN THE APPLICATION.

(6)(a) ON OR BEFORE AUGUST 1, 2023, AND ON OR BEFORE AUGUST 1 EACH YEAR THEREAFTER, EACH ELIGIBLE ENTITY THAT RECEIVED A DISBURSEMENT IN THE PRECEDING SCHOOL YEAR SHALL SUBMIT A REPORT TO THE DEPARTMENT SPECIFYING THE AMOUNT RECEIVED; THE SOURCE AND AMOUNT OF MATCHING MONEY PROVIDED, IF APPLICABLE; AND THE PURPOSE OR PURPOSES FOR WHICH THE ELIGIBLE ENTITY USED THE DISBURSED MONEY, INCLUDING AN ITEMIZED ACCOUNTING OF HOW THE MONEY WAS EXPENDED.

(b) BEGINNING WITH THE ANNUAL PRESENTATION IN 2024 PROVIDED BY THE DEPARTMENT TO THE COMMITTEES OF REFERENCE PURSUANT TO SECTION 2-7-203, THE DEPARTMENT SHALL INCLUDE IN THE ANNUAL PRESENTATION A SUMMARY OF THE REPORTS RECEIVED PURSUANT TO SUBSECTION (6)(a) OF THIS SECTION. NOTWITHSTANDING SECTION 24-1-136(11)(a)(I), BEGINNING IN JANUARY 2024, AND EVERY JANUARY THEREAFTER, THE DEPARTMENT SHALL SUBMIT A SUMMARY OF THE REPORTS RECEIVED PURSUANT TO SUBSECTION (6)(a) OF THIS SECTION TO THE EDUCATION COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES.

(7) THE EXECUTIVE DIRECTOR SHALL PROMULGATE RULES PURSUANT TO THE "STATE ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF THIS TITLE 24, TO ESTABLISH THE TIME FRAMES FOR SUBMITTING DISBURSEMENT APPLICATIONS AND AWARDING DISBURSEMENTS AND TO SPECIFY ANY ADDITIONAL INFORMATION THAT MUST BE INCLUDED IN DISBURSEMENT APPLICATIONS AS DESCRIBED IN SUBSECTION (4)(f) OF THIS SECTION.

(8) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2032.

SECTION 2. Effective date. This act takes effect upon passage; except that section 24-33.5-1810 (2)(b), Colorado Revised Statutes, as enacted in section 1 of this act, takes effect only if House Bill 22-1243 becomes law and takes effect on the effective date of this act or House Bill 22-1243, whichever is later.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and

declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Approved: May 19, 2022