

CHAPTER 189

GOVERNMENT - STATE

HOUSE BILL 22-1243

BY REPRESENTATIVE(S) Exum and Van Winkle, Bacon, Benavidez, Bennett, Bird, Boesenecker, Caraveo, Cutter, Duran, Esgar, Gonzales-Gutierrez, Gray, Hooton, Jodeh, Kipp, Lindsay, Lontine, McCluskie, Michaelson Jenet, Ortiz, Ricks, Roberts, Sirota, Snyder, Titone, Valdez A., Valdez D., Weissman, Young, Garnett, Herod, Daugherty;
also SENATOR(S) Kolker and Hinrichsen, Bridges, Buckner, Coleman, Cooke, Coram, Danielson, Donovan, Fields, Ginal, Gonzales, Hansen, Hisey, Holbert, Jaquez Lewis, Kirkmeyer, Lee, Moreno, Pettersen, Priola, Rankin, Rodriguez, Smallwood, Sonnenberg, Story, Winter, Woodward, Zenzinger, Fenberg.

AN ACT

CONCERNING PROGRAMS THAT PROVIDE FUNDING TO IMPROVE SCHOOL SAFETY, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. Legislative declaration. (1) The general assembly finds and declares that:

(a) The federal government enacted the "American Rescue Plan Act of 2021" (ARPA), Pub.L. 117-2, pursuant to which Colorado received \$3,828,761,790 to mitigate the fiscal effects stemming from the COVID-19 public health emergency;

(b) Government recipients of ARPA funds may use the funds to provide resources for governments to meet the public health and economic needs of those impacted by the pandemic in their communities. Pursuant to ARPA and subsequent federal regulations, when providing behavioral health services, government recipients may presume that the general public was impacted by the pandemic, and they can therefore use ARPA funds to provide a broad range of behavioral health services to the public, including services for children and youth in schools; and

(c) The expenditures in this bill for the behavioral health care professional matching grant program, which provides grants to increase the funding education providers allocate to school health professionals to provide behavioral health care to students, is considered an allowable use under ARPA and is necessary to respond to the COVID-19 public health emergency.

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.

(2) The general assembly further finds and declares that:

(a) Ensuring that students, educators, and school staff are safe in school is a top priority in Colorado;

(b) Addressing school safety includes, but is not limited to, efforts to ensure that schools have the security infrastructure necessary to prevent unauthorized entry and prevent students, educators, and individuals from physical harm;

(c) School safety, climate, and learning are linked, and students cannot learn if they do not feel safe, welcome, and supported;

(d) For the 2019-20 school year in Colorado, Black students were 3.1 times more likely to be suspended than white students, and Hispanic students were 1.8 times more likely to be suspended than white students;

(e) When implementing efforts to improve school safety, education professionals and law enforcement must take a proactive approach to prevent any effort that would increase discipline disparities;

(f) Colorado schools have been fundamentally rethinking school safety by centering the social, emotional, and mental health needs of young people and providing the resources and supports necessary to address the root causes of students' pain, trauma, and isolation;

(g) Colorado's school health professional ratio currently falls well below the national average, and funding behavioral health-care professionals and services in schools is part of a multifaceted approach to maintaining safe schools;

(h) As of January 2022, Colorado's "I Matter" program provided more than 1,300 therapy sessions, with over 3,000 scheduled appointments, helping to provide a free avenue for youth to find mental health supports; and

(i) Therefore, the general assembly finds that providing additional resources for school safety, including school security investments and behavioral health supports, is necessary to ensure that Colorado children are safe in school and their communities.

SECTION 2. In Colorado Revised Statutes, **add** 24-33.5-1811 as follows:

24-33.5-1811. School security disbursement program cash fund - repeal.

(1) THE SCHOOL SECURITY DISBURSEMENT PROGRAM CASH FUND, REFERRED TO IN THIS SECTION AS THE "FUND" IS CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE FUND TO THE FUND. SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY, THE DEPARTMENT MAY EXPEND MONEY FROM THE FUND TO IMPLEMENT THE SCHOOL SECURITY DISBURSEMENT PROGRAM CREATED IN SECTION 24-33.5-1810. THE DEPARTMENT MAY EXPEND UP TO THREE PERCENT OF THE AMOUNT APPROPRIATED

TO THE FUND IN EACH FISCAL YEAR FOR THE ADMINISTRATIVE EXPENSES INCURRED IN IMPLEMENTING THE SCHOOL SECURITY DISBURSEMENT PROGRAM.

(2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2024. THE STATE TREASURER SHALL TRANSFER ALL UNEXPENDED AND UNENCUMBERED MONEY IN THE FUND ON JUNE 30, 2024, TO THE GENERAL FUND.

SECTION 3. In Colorado Revised Statutes, 27-60-109, **amend** (5) and (6); and **add** (5.5) as follows:

27-60-109. Temporary youth mental health services program - established - rules - report - definitions - repeal. (5) On or before January 1 ~~2022~~ OF EACH YEAR, and on or before June 30 ~~2022~~ OF EACH YEAR, the state department shall report to the house of representatives public and behavioral health and human services committee and the senate health and human services committee, or their successor committees, regarding the number of youth who received services under the program, excluding any personally identifiable information in accordance with state and federal law; information in aggregate about the services provided to youth under the program; and other relevant information regarding the program.

(5.5) (a) FOR THE 2022-23 STATE FISCAL YEAR, THE GENERAL ASSEMBLY SHALL APPROPRIATE SIX MILLION DOLLARS FROM THE BEHAVIORAL AND MENTAL HEALTH CASH FUND CREATED IN SECTION 24-75-230 TO THE STATE DEPARTMENT FOR THE PURPOSES OF THIS SECTION. ANY UNEXPENDED OR UNENCUMBERED MONEY APPROPRIATED PURSUANT TO THIS SECTION REMAINS AVAILABLE FOR EXPENDITURE FOR THE SAME PURPOSE IN THE 2023-24 STATE FISCAL YEAR WITHOUT FURTHER APPROPRIATION.

(b) THE STATE DEPARTMENT AND OFFICE SHALL COMPLY WITH THE COMPLIANCE, REPORTING, RECORD-KEEPING, AND PROGRAM EVALUATION REQUIREMENTS ESTABLISHED BY THE OFFICE OF STATE PLANNING AND BUDGETING AND THE STATE CONTROLLER IN ACCORDANCE WITH SECTION 24-75-226 (5).

(b) THIS SUBSECTION (5.5) IS REPEALED, EFFECTIVE JUNE 30, 2024.

(6) This section is repealed, effective June 30, ~~2022~~ 2024.

SECTION 4. Appropriation. (1) For the 2022-23 state fiscal year, \$6,000,000 is appropriated to the school security disbursement program cash fund created in section 24-33.5-1811, C.R.S. This appropriation is from the general fund. The department of public safety is responsible for the accounting related to this appropriation.

(2) For the 2022-23 state fiscal year, \$6,000,000 is appropriated to the department of public safety for use by the division of homeland security and emergency management. This appropriation is from reappropriated funds in the school security disbursement program cash fund under subsection (1) of this section. To implement this act, the division may use the appropriation for the school security disbursement program.

(3) For the 2022-23 state fiscal year, \$2,000,000 is appropriated to the department

of education. This appropriation is from the behavioral and mental health cash fund created in section 24-75-230, C.R.S., and is from money the state received from the federal coronavirus state fiscal recovery fund. The department may use this appropriation for the behavioral health care professional matching grant program. Any money appropriated in this section not expended prior to July 1, 2023, is further appropriated to the department from July 1, 2023, through December 30, 2024, for the same purpose.

(4) For the 2022-23 state fiscal year, \$6,000,000 is appropriated to the department of human services for use by the behavioral health administration. This appropriation is from the behavioral and mental health cash fund created in section 24-75-230, C.R.S., is of money the state received from the federal coronavirus state fiscal recovery fund, and is based on an assumption that the administration will require an additional 1.0 FTE. To implement this act, the administration may use this appropriation for the temporary youth mental health services program. Any money appropriated in this section not expended prior to July 1, 2023, is further appropriated to the administration from July 1, 2023, through June 30, 2024, for the same purpose.

SECTION 5. Effective date. This act takes effect upon passage; except that section 2 and subsection (1) of section 4 of this act take effect only if House Bill 22-1120 becomes law, in which case section 2 and subsection (1) of section 4 take effect on the effective date of this act or House Bill 22-1120, whichever is later.

SECTION 6. 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