

CHAPTER 408

EDUCATION - PUBLIC SCHOOLS

SENATE BILL 18-269

BY SENATOR(S) Neville T. and Moreno, Aguilar, Baumgardner, Cooke, Coram, Court, Crowder, Donovan, Fenberg, Fields, Garcia, Gardner, Guzman, Hill, Jahn, Jones, Kagan, Kefalas, Kerr, Lambert, Lundberg, Marble, Martinez Humenik, Merrifield, Priola, Scott, Smallwood, Sonnenberg, Tate, Todd, Williams A., Grantham;
also REPRESENTATIVE(S) Neville P. and Bridges, Becker K., Beckman, Buckner, Catlin, Covarrubias, Esgar, Exum, Garnett, Gray, Hamner, Hansen, Humphrey, Jackson, Landgraf, Lee, McLachlan, Michaelson Jenet, Roberts, Rosenthal, Saine, Sandridge, Sias, Singer, Valdez, Van Winkle, Williams D., Wilson, Winkler, Winter, Wist, Young, Duran.

AN ACT

CONCERNING PROVIDING FUNDING FOR LOCAL EDUCATION PROVIDERS TO IMPLEMENT SCHOOL SECURITY IMPROVEMENTS TO PREVENT INCIDENCES OF SCHOOL VIOLENCE, AND, IN CONNECTION THEREWITH, CREATING THE SCHOOL SECURITY DISBURSEMENT PROGRAM.

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

SECTION 1. In Colorado Revised Statutes, **add** 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) "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) THERE IS CREATED IN THE DEPARTMENT THE SCHOOL SECURITY DISBURSEMENT PROGRAM TO PROVIDE DISBURSEMENTS TO LOCAL EDUCATION PROVIDERS TO USE FOR THE PURPOSES DESCRIBED IN SUBSECTION (3) OF THIS SECTION TO IMPROVE SECURITY WITHIN PUBLIC SCHOOLS. SUBJECT TO AVAILABLE

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

APPROPRIATIONS, THE DEPARTMENT SHALL DISBURSE MONEY TO APPLICANTS AS PROVIDED IN SUBSECTION (5) OF THIS SECTION FROM MONEY CREDITED TO THE SCHOOL SECURITY DISBURSEMENT PROGRAM ACCOUNT WITHIN THE SCHOOL SAFETY RESOURCE CENTER CASH FUND CREATED IN SECTION 24-33.5-1807. IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE DEPARTMENT DISTRIBUTE THE MONEY CREDITED TO THE SCHOOL SECURITY DISBURSEMENT PROGRAM ACCOUNT FOR THE DISBURSEMENT PROGRAM AS QUICKLY AS PRACTICABLE BASED ON THE RECEIPT OF QUALIFYING APPLICATIONS.

(3) A LOCAL EDUCATION PROVIDER 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 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;

(II) PREVENTS UNDESIRE OBJECTS AND SUBSTANCES FROM ENTERING A PUBLIC SCHOOL FACILITY OR PUBLIC SCHOOL VEHICLE;

(III) SOUNDS WARNINGS WHEN A THREAT IS PRESENT;

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

(V) ENABLES AUTHORIZED INDIVIDUALS TO VISUALLY MONITOR THE PUBLIC SCHOOL FACILITY OR ITS GROUNDS OR THE PUBLIC SCHOOL VEHICLE;

(b) TRAINING IN STUDENT THREAT ASSESSMENT, WHICH TRAINING IS PROVIDED TO ALL SCHOOL BUILDING STAFF WHO HAVE CONTACT WITH STUDENTS;

(c) TRAINING FOR ON-SITE SCHOOL RESOURCE OFFICERS EMPLOYED BY THE LOCAL EDUCATION PROVIDER;

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

(4) A LOCAL EDUCATION PROVIDER, INCLUDING ANY COMBINATION OF LOCAL EDUCATION PROVIDERS WHO WISH TO APPLY TOGETHER AS A SINGLE, REGIONAL APPLICANT, MAY APPLY FOR A DISBURSEMENT 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 THE REQUIREMENT OF MATCHING MONEY, IF APPLICABLE, PURSUANT TO SUBSECTION (6) 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 LOCAL EDUCATION PROVIDER 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 AND, SUBJECT TO AVAILABLE APPROPRIATIONS, 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 IS LIKELY TO IMPROVE SECURITY IN PUBLIC SCHOOL FACILITIES OR VEHICLES. 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, 2019, AND ON OR BEFORE AUGUST 1 EACH YEAR THEREAFTER, EACH LOCAL EDUCATION PROVIDER 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 LOCAL EDUCATION PROVIDER USED THE DISBURSED MONEY, INCLUDING AN ITEMIZED ACCOUNTING OF HOW THE MONEY WAS EXPENDED.

(b) BEGINNING WITH THE ANNUAL PRESENTATION IN 2019 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. ON OR BEFORE JANUARY 15, 2020, AND ON OR BEFORE JANUARY 15 EACH YEAR

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, 2021.

SECTION 2. In Colorado Revised Statutes, 24-33.5-1807, **amend** (3) and (4); and **add** (6) as follows:

24-33.5-1807. School safety resource center cash fund - repeal. (3) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (6) OF THIS SECTION, the ~~moneys~~ MONEY in the fund ~~shall be~~ is subject to annual appropriation by the general assembly to the department for the direct and indirect costs associated with implementing this part 18. Any ~~moneys~~ MONEY in the fund not expended for the purposes of this part 18 may be invested by the state treasurer as provided by law. All interest and income derived from the investment and deposit of ~~moneys~~ MONEY in the fund shall be credited to the fund.

(4) (a) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (6) OF THIS SECTION, the department is authorized to expend ~~moneys~~ MONEY from the fund for the purposes of this part 18.

(b) The department may expend up to two percent of the ~~moneys~~ MONEY annually appropriated from the fund, NOT INCLUDING MONEY CREDITED TO THE SCHOOL SECURITY DISBURSEMENT PROGRAM ACCOUNT PURSUANT TO SUBSECTION (6) OF THIS SECTION, to offset the costs incurred in implementing this part 18.

(6) (a) (I) THERE IS HEREBY CREATED IN THE FUND THE SCHOOL SECURITY DISBURSEMENT PROGRAM ACCOUNT, REFERRED TO IN THIS SUBSECTION (6) AS THE "ACCOUNT". EFFECTIVE JULY 1, 2018, THE STATE TREASURER SHALL CREDIT TWENTY-NINE MILLION FIVE HUNDRED THOUSAND DOLLARS FROM THE AMOUNT APPROPRIATED TO THE FUND FOR THE 2018-19 FISCAL YEAR TO THE ACCOUNT. THE AMOUNT CREDITED TO THE ACCOUNT IS CONTINUOUSLY APPROPRIATED TO THE DEPARTMENT TO IMPLEMENT THE SCHOOL SECURITY DISBURSEMENT PROGRAM CREATED IN SECTION 24-33.5-1810. THE DEPARTMENT MAY EXPEND UP TO ONE PERCENT OF THE AMOUNT CREDITED TO THE ACCOUNT FOR THE ADMINISTRATIVE EXPENSES INCURRED IN IMPLEMENTING THE SCHOOL SECURITY DISBURSEMENT PROGRAM.

(II) EFFECTIVE JULY 1, 2018, THE STATE TREASURER SHALL CREDIT FIVE HUNDRED THOUSAND DOLLARS TO THE FUND FOR DISTRIBUTION TO THE DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT CREATED IN SECTION 24-33.5-1603, FOR THE PURPOSES OF HOUSE BILL 18-1413, ENACTED IN 2018.

(b) THIS SUBSECTION (6) IS REPEALED, EFFECTIVE JULY 1, 2021. ANY AMOUNT REMAINING IN THE ACCOUNT AS OF JULY 1, 2021, SHALL BE CREDITED TO THE FUND.

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, and safety.

Approved: June 6, 2018