

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

2nd REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 22-0871.01 Conrad Imel x2313

HOUSE BILL 22-1243

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SENATE
Amended 3rd Reading
May 3, 2022

House Committees

Education
Appropriations

Senate Committees

Appropriations

SENATE
Amended 3rd Reading
April 29, 2022

A BILL FOR AN ACT

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

SENATE
Amended 2nd Reading
April 27, 2022

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/>.)

HOUSE
3rd Reading Unamended
April 14, 2022

The bill creates the school security disbursement program cash fund (cash fund). The department of public safety (department) may disburse money from the cash fund to school districts, charter schools, and boards of cooperative services to improve security within public schools. The bill appropriates \$6,000,000 to the cash fund.

HOUSE
Amended 2nd Reading
April 13, 2022

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.

The temporary youth mental health services program is set to repeal on June 30, 2022. The bill continues the temporary youth mental health services program and the bi-annual reporting requirements until June 30, 2024.

The bill appropriates \$2 million from the behavioral and mental health cash fund to the department of education for the behavioral health care professional matching grant program.

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

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

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

8 (b) Government recipients of ARPA funds may use the funds to
9 provide resources for governments to meet the public health and
10 economic needs of those impacted by the pandemic in their communities.

11 Pursuant to ARPA and subsequent federal regulations, when providing
12 behavioral health services, government recipients may presume that the
13 general public was impacted by the pandemic, and they can therefore use
14 ARPA funds to provide a broad range of behavioral health services to the
15 public, including services for children and youth in schools; and

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

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

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

9 (d) For the 2019-20 school year in Colorado, Black students were
10 3.1 times more likely to be suspended than white students, and Hispanic
11 students were 1.8 times more likely to be suspended than white students;

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

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

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

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

27 (i) Therefore, the general assembly finds that providing additional

1 resources for school safety, including school security investments and
2 behavioral health supports, is necessary to ensure that Colorado children
3 are safe in school and their communities.

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

6 **24-33.5-1811. School security disbursement program cash**
7 **fund - repeal.** (1) THE SCHOOL SECURITY DISBURSEMENT PROGRAM CASH
8 FUND, REFERRED TO IN THIS SECTION AS THE "FUND" IS CREATED IN THE
9 STATE TREASURY. THE FUND CONSISTS OF MONEY THAT THE GENERAL
10 ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND. THE STATE
11 TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE
12 DEPOSIT AND INVESTMENT OF MONEY IN THE FUND TO THE FUND. SUBJECT
13 TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY, THE
14 DEPARTMENT MAY EXPEND MONEY FROM THE FUND TO IMPLEMENT THE
15 SCHOOL SECURITY DISBURSEMENT PROGRAM CREATED IN SECTION
16 24-33.5-1810. THE DEPARTMENT MAY EXPEND UP TO THREE PERCENT OF
17 THE AMOUNT APPROPRIATED TO THE FUND IN EACH FISCAL YEAR FOR THE
18 ADMINISTRATIVE EXPENSES INCURRED IN IMPLEMENTING THE SCHOOL
19 SECURITY DISBURSEMENT PROGRAM.

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

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

26 **27-60-109. Temporary youth mental health services program**
27 **- established - rules - report - definitions - repeal.** (5) On or before

1 January 1 ~~2022~~ OF EACH YEAR, and on or before June 30 ~~2022~~ OF EACH
2 YEAR, the state department shall report to the house of representatives
3 public and behavioral health and human services committee and the
4 senate health and human services committee, or their successor
5 committees, regarding the number of youth who received services under
6 the program, excluding any personally identifiable information in
7 accordance with state and federal law; information in aggregate about the
8 services provided to youth under the program; and other relevant
9 information regarding the program.

10 (5.5) (a) ~~FOR THE 2022-23 STATE FISCAL YEAR, THE GENERAL~~
11 ~~ASSEMBLY SHALL APPROPRIATE SIX MILLION DOLLARS FROM THE~~
12 ~~BEHAVIORAL AND MENTAL HEALTH CASH FUND CREATED IN SECTION~~
13 ~~24-75-230 TO THE STATE DEPARTMENT FOR THE PURPOSES OF THIS~~
14 ~~SECTION. ANY UNEXPENDED OR UNENCUMBERED MONEY APPROPRIATED~~
15 ~~PURSUANT TO THIS SECTION REMAINS AVAILABLE FOR EXPENDITURE FOR~~
16 ~~THE SAME PURPOSE IN THE 2023-24 STATE FISCAL YEAR WITHOUT FURTHER~~
17 ~~APPROPRIATION.~~

18 (b) ~~THE STATE DEPARTMENT AND OFFICE SHALL COMPLY WITH THE~~
19 ~~COMPLIANCE, REPORTING, RECORD-KEEPING, AND PROGRAM EVALUATION~~
20 ~~REQUIREMENTS ESTABLISHED BY THE OFFICE OF STATE PLANNING AND~~
21 ~~BUDGETING AND THE STATE CONTROLLER IN ACCORDANCE WITH SECTION~~
22 ~~24-75-226 (5).~~

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

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

25 **SECTION 4. Appropriation.** (1) For the 2022-23 state fiscal
26 year, \$6,000,000 is appropriated to the school security disbursement
27 program cash fund created in section 24-33.5-1811, C.R.S. This

1 appropriation is from the general fund. The department of public safety
2 is responsible for the accounting related to this appropriation.

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

10 (3) For the 2022-23 state fiscal year, \$2,000,000 is appropriated
11 to the department of education. This appropriation is from the behavioral
12 and mental health cash fund created in section 24-75-230, C.R.S., and is
13 from money the state received from the federal coronavirus state fiscal
14 recovery fund. The department may use this appropriation for the
15 behavioral health care professional matching grant program. Any money
16 appropriated in this section not expended prior to July 1, 2023, is further
17 appropriated to the department from July 1, 2023, through December 30,
18 2024, for the same purpose.

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

1 2023, is further appropriated to the administration from July 1, 2023,
2 through June 30, 2024, for the same purpose.

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

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