

**Second Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO**

REREVISED

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

LLS NO. 08-0082.04 Jerry Barry

SENATE BILL 08-181

SENATE SPONSORSHIP

Wiens, Cadman, Kopp, and Mitchell S.

HOUSE SPONSORSHIP

Massey,

Senate Committees
Local Government

House Committees
Education

A BILL FOR AN ACT

101 **CONCERNING MEASURES TO IMPROVE COORDINATION AMONG**
102 **AGENCIES WHEN RESPONDING TO SCHOOL INCIDENTS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Directs the department of public safety ("department") to recommend and the executive director of the department ("director") to adopt by rule portions of the national response framework and the national incident management system ("NIMS") with which each public school in Colorado is required to comply. Directs the department, in consultation with the department of education, to review and recommend and the director to adopt by rule:

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

HOUSE
3rd Reading Unam ended
April 9, 2008

HOUSE
Am ended 2nd Reading
April 8, 2008

SENATE
3rd Reading Unam ended
March 19, 2008

SENATE
Am ended 2nd Reading
March 18, 2008

! Courses to be considered by school districts and the state charter school institute as satisfying continuing education requirements; and

! Courses that certain persons may take at a community college without charge to the extent space is available.

Requires a school district board of education and the state charter school institute to:

! Adopt a school response framework with specified elements; and

! Maintain data related to school safety, readiness, and incident management plans, memoranda of understanding, and after-action reports.

Directs the state board for community colleges and occupational education to allow licensed educators to take at community and occupational colleges any classes necessary or recommended for NIMS compliance without charge to the extent that space is available.

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) Each school day, Colorado school personnel are accountable
5 for the safety of over 800,000 students, or about one-fifth of the total
6 population of the state;

7 (b) Educators and school personnel are the first responders in the
8 school, on field trips, and at school-related events. They are the first to
9 detect a school-related threat, first to respond to a school-related incident,
10 and last to leave the site of an incident, and they are the ones left to cope
11 with the aftereffects of an incident.

12 (c) Therefore, schools must achieve a level of readiness
13 acceptable to school personnel, parents, and the community by organizing
14 and designating safety teams and providing them with the safety plans,
15 procedures, training, equipment, and other support they need to not only
16 maintain a safe learning environment and protect the students, but also to

1 protect the educators themselves;

2 (d) Schools must be in compliance with national incident
3 management system, referred to in this section (1) as "NIMS", and school
4 personnel must be required to be trained in the incident command system
5 according to guidelines established by the federal emergency management
6 agency; ___

7 (e) In this regard, schools would benefit from technical expertise
8 at the state level and from the recent availability of electronic interactive
9 school safety resources on the internet and courses in the Colorado system
10 of community and technical colleges; █

11 (f) Grants are available from the federal departments of education,
12 homeland security, justice, and health and human services to assist
13 schools and school districts in their emergency management planning, but
14 schools and school districts would be in the best position to qualify for
15 such grants if the schools or school districts were already in compliance
16 with the NIMS or had in place memoranda of understanding with local
17 partners such as law enforcement agencies, fire departments, and public
18 health agencies;

19 (g) State or regional assistance in coordinating grant applications
20 would provide consistency in applications and benefit school districts and
21 schools by creating efficiencies of time and effort; and

22 (h) State technical assistance would help schools and school
23 districts become NIMS compliant and maintain NIMS compliance.

24 **SECTION 2.** Part 1 of article 33.5 of title 24, Colorado Revised
25 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
26 read:

27 **24-33.5-110. Posting of notice of NIMS classes. THE**

1 DEPARTMENT SHALL PLACE ON ITS WEB SITE A DESCRIPTION OF THE
2 NATIONAL INCIDENT MANAGEMENT SYSTEM, DEVELOPED BY THE FEDERAL
3 EMERGENCY MANAGEMENT AGENCY AND REFERRED TO IN THIS SECTION
4 AS "NIMS", AND A LISTING, WITH ANY APPLICABLE LINKS, OF ON-LINE
5 COURSES REQUIRED TO BECOME NIMS-CERTIFIED AND COURSES RELATED
6 TO NIMS AT INSTITUTIONS WITHIN THE STATE SYSTEM OF COMMUNITY
7 AND TECHNICAL COLLEGES. _____

8 **SECTION 3.** 22-32-109.1 (4), Colorado Revised Statutes, is
9 amended to read:

10 **22-32-109.1. Board of education - specific powers and duties**
11 **- safe schools. (4) School response framework - school safety,**
12 **readiness, and incident management plan.** Each board of education
13 shall establish a ~~crisis management policy~~ SCHOOL RESPONSE FRAMEWORK
14 that SHALL CONSISTS OF POLICIES DESCRIBED IN THIS SUBSECTION (4). BY
15 SATISFYING THE REQUIREMENTS OF THIS SUBSECTION (4), A SCHOOL OR
16 SCHOOL DISTRICT SHALL BE IN COMPLIANCE WITH THE NATIONAL INCIDENT
17 MANAGEMENT SYSTEM, REFERRED TO IN THIS SUBSECTION (4) AS "NIMS",
18 DEVELOPED BY THE FEDERAL EMERGENCY MANAGEMENT SYSTEM. At a
19 minimum, sets forth THE POLICIES SHALL REQUIRE:

20 (a) (I) EACH SCHOOL DISTRICT ON OR BEFORE JULY 1, 2009, TO
21 ESTABLISH A DATE BY WHICH EACH SCHOOL OF THE SCHOOL DISTRICT
22 SHALL BE IN COMPLIANCE WITH THE REQUIREMENTS OF THIS SUBSECTION
23 (4); EXCEPT THAT THE DATE MAY BE CHANGED BY THE SCHOOL BOARD FOR
24 CAUSE;

25 (II) EACH SCHOOL DISTRICT SHALL MAKE THE DATES ESTABLISHED
26 PURSUANT TO SUBSECTION (I) OF THIS PARAGRAPH (a) AVAILABLE TO THE
27 PUBLIC UPON REQUEST.

1 (b) EACH SCHOOL DISTRICT TO ADOPT THE NATIONAL RESPONSE
2 FRAMEWORK RELEASED BY THE FEDERAL DEPARTMENT OF HOMELAND
3 SECURITY AND NIMS FORMALLY THROUGH ORDERS OR RESOLUTIONS;

4 (c) EACH SCHOOL DISTRICT TO INSTITUTIONALIZE THE INCIDENT
5 COMMAND SYSTEM AS TAUGHT BY THE EMERGENCY MANAGEMENT
6 INSTITUTE OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY;

7 (d) EACH SCHOOL DISTRICT, ON OR BEFORE JULY 1, 2009, TO
8 START TO DEVELOP, IN CONJUNCTION WITH LOCAL FIRE DEPARTMENTS,
9 LOCAL LAW ENFORCEMENT AGENCIES, LOCAL EMERGENCY MEDICAL
10 SERVICE PERSONNEL, LOCAL MENTAL HEALTH ORGANIZATIONS, AND
11 LOCAL PUBLIC HEALTH AGENCIES, COLLECTIVELY REFERRED TO IN THIS
12 SUBSECTION (4) AS "COMMUNITY PARTNERS", A SCHOOL SAFETY,
13 READINESS, AND INCIDENT MANAGEMENT PLAN THAT COORDINATES WITH
14 ANY STATEWIDE OR LOCAL HOMELAND SECURITY PLANS AND THAT, AT A
15 MINIMUM, IDENTIFIES FOR EACH PUBLIC SCHOOL IN THE SCHOOL DISTRICT:

16 (I) SAFETY TEAMS AND BACKUPS WHO ARE RESPONSIBLE FOR
17 INTERACTING WITH COMMUNITY PARTNERS AND ASSUMING KEY INCIDENT
18 COMMAND POSITIONS; AND

19 (II) POTENTIAL LOCATIONS FOR VARIOUS TYPES OF OPERATIONAL
20 LOCATIONS AND SUPPORT FUNCTIONS OR FACILITIES;

21 (e) TO THE EXTENT POSSIBLE, EACH SCHOOL DISTRICT TO ENTER
22 INTO MEMORANDA OF UNDERSTANDING WITH THE COMMUNITY PARTNERS
23 SPECIFYING RESPONSIBILITIES FOR RESPONDING TO INCIDENTS;

24

25 (f) TO THE EXTENT POSSIBLE, EACH PUBLIC SCHOOL TO CREATE A
26 AN ALL-HAZARD EXERCISE PROGRAM BASED ON NIMS AND TO CONDUCT
27 TABLETOP EXERCISES AND OTHER EXERCISES IN COLLABORATION WITH

1 COMMUNITY PARTNERS FROM MULTIPLE DISCIPLINES AND, IF POSSIBLE,
2 MULTIPLE JURISDICTIONS TO PRACTICE AND ASSESS PREPAREDNESS;

3 (g) TO THE EXTENT POSSIBLE, EACH PUBLIC SCHOOL, IN
4 COLLABORATION WITH ITS SCHOOL DISTRICT, TO HOLD COORDINATED
5 EXERCISES AMONG SCHOOL EMPLOYEES AND COMMUNITY PARTNERS
6 INCLUDING AT A MINIMUM:

7 (I) ORIENTATION MEETINGS TO INFORM ALL PARTIES ABOUT
8 EMERGENCY OPERATION PLANS AND PROCEDURES;

9 (II) DRILLS, IN ADDITION TO ANNUAL FIRE DRILLS, TO IMPROVE
10 INDIVIDUAL AND STUDENT EMERGENCY PROCEDURES; AND

11 (III) TABLETOP EXERCISES TO DISCUSS AND IDENTIFY ROLES AND
12 RESPONSIBILITIES IN DIFFERENT SCENARIOS; _____

13 _____

14 (h) EACH PUBLIC SCHOOL CONDUCT A WRITTEN EVALUATION
15 FOLLOWING THE EXERCISES AND CERTAIN INCIDENTS AS IDENTIFIED BY
16 THE SCHOOL OR SCHOOL DISTRICT, AND IDENTIFY AND ADDRESS LESSONS
17 LEARNED AND CORRECTIVE ACTIONS IN UPDATING RESPONSE PLANS AND
18 PROCEDURES;

19 (i) EACH PUBLIC SCHOOL, AT LEAST EVERY ACADEMIC TERM, TO
20 INVENTORY EMERGENCY EQUIPMENT AND REVIEW COMMUNICATIONS
21 EQUIPMENT AND ITS INTEROPERABILITY WITH AFFECTED STATE AND LOCAL
22 AGENCIES;

23 (j) EACH _____ SCHOOL DISTRICT TO ADOPT written procedures for
24 taking action and communicating with local law enforcement agencies,
25 community emergency services, parents, students, _____ and the media
26 in the event of a crisis: CERTAIN INCIDENTS AS IDENTIFIED BY THE SCHOOL
27 OR SCHOOL DISTRICT;

1 (k) KEY EMERGENCY SCHOOL PERSONNEL, INCLUDING BUT NOT
2 LIMITED TO SAFETY TEAMS AND BACKUPS, TO COMPLETE COURSES
3 PROVIDED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S
4 EMERGENCY MANAGEMENT INSTITUTE OR BY INSTITUTIONS OF HIGHER
5 EDUCATION IN THE STATE SYSTEM OF COMMUNITY AND TECHNICAL
6 COLLEGES;

7 (l) Each policy shall provide for School district employee crisis
8 SAFETY AND INCIDENT management training, INCLUDING PROVISIONS
9 STATING THAT COMPLETION OF ANY COURSES IDENTIFIED BY THE
10 DEPARTMENT OF PUBLIC SAFETY PURSUANT TO SECTION 24-33.5-110,
11 C.R.S., AS RELATED TO NIMS COUNT TOWARD THE PROFESSIONAL
12 DEVELOPMENT REQUIREMENTS OF A PERSON LICENSED PURSUANT TO
13 ARTICLE 60.5 OF THIS TITLE;

14 (m) EACH _____ SCHOOL DISTRICT TO WORK WITH COMMUNITY
15 PARTNERS TO UPDATE AND REVISE ALL STANDARD OPERATING
16 PROCEDURES, ENSURING THAT ALL ASPECTS OF NIMS ARE INCORPORATED,
17 INCLUDING BUT NOT LIMITED TO POLICIES AND PRINCIPLES, PLANNING,
18 PROCEDURES, TRAINING, RESPONSE, EXERCISES, EQUIPMENT, EVALUATION,
19 AND CORRECTIVE ACTIONS;

20 (n) EACH __ SCHOOL DISTRICT TO COORDINATE WITH COMMUNITY
21 PARTNERS TO ASSESS OVERALL ALIGNMENT AND COMPLIANCE WITH NIMS;
22 IDENTIFY REQUIREMENTS ALREADY MET; ESTABLISH A BASELINE FOR
23 NIMS COMPLIANCE; AND DETERMINE ACTION STEPS, INCLUDING
24 DEVELOPING A PLAN AND TIMELINE, TO ACHIEVE AND MAINTAIN ALL NIMS
25 GOALS; AND

26 (o) EACH _____ SCHOOL DISTRICT TO DEVELOP A TIMELINE AND
27 STRATEGY FOR COMPLIANCE WITH THE REQUIREMENTS OF THIS

1 SUBSECTION (4) AND TO STRATEGICALLY PLAN, SCHEDULE, AND CONDUCT
2 ALL ACTIVITIES WITH COMMUNITY PARTNERS.

3

4 **SECTION 4.** Part 5 of article 30.5 of title 22, Colorado Revised
5 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
6 read:

7 **22-30.5-503.5. School response framework.** THE STATE
8 CHARTER SCHOOL INSTITUTE SHALL ESTABLISH A SCHOOL RESPONSE
9 FRAMEWORK THAT COMPLIES WITH THE PROVISIONS OF SECTION
10 22-32-109.1 (4) FOR EACH STATE CHARTER SCHOOL.

11 **SECTION 5.** 22-1-125 (5), Colorado Revised Statutes, is
12 amended to read:

13 **22-1-125. Automated external defibrillators in public schools.**
14 (5) To ensure public health and safety, a school district that acquires an
15 automated external defibrillator shall meet the training, maintenance,
16 inspection, and physician involvement requirements set forth in section
17 13-21-108.1 (3), C.R.S., and shall reference the requirements of that
18 section in the school district's ~~crisis~~ SAFETY, READINESS, AND INCIDENT
19 management ~~policy~~ PLAN pursuant to ~~section 22-32-109.1 (4)~~ SECTION
20 22-32-109.1 (4) (d).

21 **SECTION 6.** 23-60-202 (1) (c), Colorado Revised Statutes, is
22 amended to read:

23 **23-60-202. Duties of board with respect to state system.**
24 (1) With respect to the community and technical colleges within the state
25 system, the board has the authority, responsibility, rights, privileges,
26 powers, and duties customarily exercised by the governing boards of
27 institutions of higher education, including the following:

1 (c) (I) To fix the tuition and fees to be charged in the community
2 and technical colleges. The board shall fix tuition in accordance with the
3 level of cash fund appropriations set by the general assembly for such
4 institutions pursuant to section 23-1-103.5.

5 (II) TO THE EXTENT SPACE IS AVAILABLE, THE BOARD MAY ALLOW
6 PERSONS LICENSED PURSUANT TO ARTICLE 60.5 OF TITLE 22, C.R.S., TO
7 TAKE, WITHOUT CHARGE AT COMMUNITY AND TECHNICAL COLLEGES,
8 CLASSES IDENTIFIED BY THE DEPARTMENT OF PUBLIC SAFETY PURSUANT
9 TO SECTION 24-33.5-110, C.R.S., AS RELATED TO THE NATIONAL INCIDENT
10 MANAGEMENT SYSTEM DEVELOPED BY THE FEDERAL EMERGENCY
11 MANAGEMENT AGENCY.

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