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An Act

SENATE BILL 11-173

BY SENATOR(S) King S., King K., Morse, Shaffer B., Cadman, Carroll, Giron, Kopp, Roberts, Spence, Aguilar, Boyd, Brophy, Foster, Grantham, Guzman, Heath, Hodge, Hudak, Jahn, Lambert, Newell, Nicholson, Schwartz, Tochtrop, White, Williams S., Steadman;
also REPRESENTATIVE(S) Gardner B. and Fields, Barker, Beezley, Bradford, Court, Duran, Ferrandino, Gerou, Hamner, Holbert, Hullinghorst, Joshi, Kefalas, Kerr A., Labuda, Looper, Massey, Miklosi, Pabon, Pace, Peniston, Ramirez, Schafer S., Scott, Solano, Stephens, Todd, Tyler, Vigil, Williams A., Wilson.

CONCERNING INTEROPERABLE COMMUNICATIONS IN SCHOOLS.

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

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

(a) Statewide communications interoperability that includes all schools is an important law enforcement, public safety, and homeland security objective;

(b) Each school day, Colorado educators and school personnel are accountable for the safety of over eight hundred thousand students, or about

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

one-fifth of the total population of the state;

(c) Educators and school personnel are often the first to detect a school-related threat and are the first responders in a school building, on a field trip, or at a school-related event. They are also often the last persons to leave the site of an incident and are tasked with managing the aftereffects of an incident.

(d) In recognition of these realities, schools must have the safety plans, procedures, training, safety and communications equipment, and other support they need in order to effectively participate with first responders in a coordinated response to any school incident;

(e) The inability of state and local public safety agencies to reliably communicate directly with schools creates the potential for unnecessary communication delays and poses a significant risk to school safety and homeland security;

(f) The state has made significant progress in the construction of a statewide public safety tactical interoperable communications network that is available to school districts and in the development and deployment of school-based interoperable communications systems;

(g) Colorado schools have also made significant progress in emergency communications by adopting the national incident management system (NIMS), training school staff in the incident command system (ICS), and conducting joint exercises involving school staff and community first responders in order to better coordinate their response to school incidents; and

(h) Interoperable communications systems are a critical component of NIMS.

(2) The general assembly therefore finds and declares that schools would benefit from the coordinated efforts of multiple agencies and entities, including the governor's office of information technology, the division of fire safety in the department of public safety, and the school safety resource center in the department of public safety, to share best practices in emergency communications; identify the emergency communications needs at the school level; help target technical assistance, grants, and other

support; and prepare schools and the public safety community for next-generation communications technologies.

SECTION 2. The introductory portions to 22-32-109.1 (4) and (4) (d) and 22-32-109.1 (4) (f), (4) (g) (II), and (4) (i), Colorado Revised Statutes, are amended to read:

22-32-109.1. Board of education - specific powers and duties - safe schools. (4) School response framework - school safety, readiness, and incident management plan. Each board of education shall establish a school response framework that shall consist of policies described in this subsection (4). By satisfying the requirements of this subsection (4), a school or school district shall be in compliance with the national incident management system, referred to in this subsection (4) as "NIMS", developed by the federal emergency management system AGENCY. At a minimum, the policies shall require:

(d) Each school district, on or before July 1, 2009, to start to develop ~~in conjunction with local fire departments, local law enforcement agencies, local emergency medical service personnel, local mental health organizations, and local public health agencies, collectively referred to in this subsection (4) as "community partners"~~, a school safety, readiness, and incident management plan, INCLUDING, TO THE EXTENT POSSIBLE, EMERGENCY COMMUNICATIONS, that coordinates with any statewide or local ~~homeland security~~ EMERGENCY OPERATION plans. ~~and that,~~ IN DEVELOPING THE PLAN, A SCHOOL DISTRICT MAY COLLABORATE WITH LOCAL FIRE DEPARTMENTS, STATE AND LOCAL LAW ENFORCEMENT AGENCIES, LOCAL 911 AGENCIES, LOCAL EMERGENCY MEDICAL SERVICE PERSONNEL, LOCAL MENTAL HEALTH ORGANIZATIONS, LOCAL PUBLIC HEALTH AGENCIES, LOCAL EMERGENCY MANAGEMENT PERSONNEL, AND LOCAL OR REGIONAL HOMELAND SECURITY PERSONNEL, WHICH ENTITIES ARE COLLECTIVELY REFERRED TO IN THIS SUBSECTION (4) AS "COMMUNITY PARTNERS". THE SCHOOL SAFETY, READINESS, AND INCIDENT MANAGEMENT PLAN SHALL, at a minimum, ~~identifies~~ IDENTIFY for each public school in the school district:

(f) To the extent possible, each public school to create an all-hazard exercise program based on NIMS and to conduct tabletop exercises and other exercises in collaboration with community partners from multiple disciplines and, if possible, multiple jurisdictions to practice and assess preparedness AND COMMUNICATIONS INTEROPERABILITY WITH COMMUNITY

PARTNERS;

(g) To the extent possible, each public school, in collaboration with its school district, to hold coordinated exercises among school employees and community partners, including at a minimum:

(II) ~~Drills~~ ALL-HAZARD DRILLS, in addition to ~~annual~~ fire drills, to improve individual and student emergency procedures AND TO TEST COMMUNICATIONS INTEROPERABILITY; and

(i) Each public school, at least every academic term, to inventory emergency equipment and ~~review~~ TEST communications equipment and its interoperability with affected state and local agencies;

SECTION 3. Part 12 of article 33.5 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

24-33.5-1213.4. School all-hazard emergency planning and response. (1) THE SCHOOL RESPONSE FRAMEWORK CREATED IN SECTION 22-32-109.1 (4), C.R.S., SETS FORTH THE FRAMEWORK FOR SCHOOL EMERGENCY INCIDENT RESPONSE AND EMERGENCY PREPAREDNESS, INCLUDING EMERGENCY COMMUNICATIONS. PURSUANT TO THE SCHOOL RESPONSE FRAMEWORK, EMERGENCY RESPONSE PERSONNEL ARE COMMUNITY PARTNERS WITH SCHOOLS. AS PART OF ITS DUTY TO REGULARLY INSPECT SCHOOL BUILDINGS TO ENSURE COMPLIANCE WITH THE FIRE CODE, THE DIVISION, LOCAL FIRE DEPARTMENTS, AND CERTIFIED FIRE INSPECTORS MAY PARTNER WITH SCHOOLS IN ASSESSING EACH SCHOOL'S IMPLEMENTATION OF NIMS AND THE INTEROPERABILITY OF THE SCHOOL'S EMERGENCY COMMUNICATIONS EQUIPMENT WITH STATE AND LOCAL EMERGENCY RESPONSE AGENCIES.

(2) (a) AS PART OF THE DIVISION'S DUTY, AS SET FORTH IN SECTION 24-33.5-1213, TO ENFORCE THE PROVISIONS OF SECTION 22-32-124 (2), C.R.S., AND SECTION 24-33.5-1213.3, THE DIVISION:

(I) SHALL INQUIRE OF EACH SCHOOL AS TO THE NUMBER AND TYPE OF ANY ALL-HAZARD DRILLS CONDUCTED BY THE SCHOOL, IN ADDITION TO REGULAR FIRE DRILLS; AND

(II) MAY INQUIRE CONCERNING:

(A) THE SCHOOL SAFETY, READINESS, AND INCIDENT MANAGEMENT PLAN DEVELOPED PURSUANT TO SECTION 22-32-109.1 (4) (d), C.R.S.;

(B) THE SCHOOL'S PROGRESS TOWARD IMPLEMENTING NIMS AND THE INCIDENT COMMAND SYSTEM PURSUANT TO SECTION 22-32-109.1, C.R.S., AND IN ACHIEVING COMMUNICATIONS INTEROPERABILITY WITH STATE AND LOCAL EMERGENCY PERSONNEL;

(C) THE NATURE AND LOCATION OF THE SCHOOL'S EMERGENCY EQUIPMENT, INCLUDING COMMUNICATIONS EQUIPMENT, AND WHETHER THE COMMUNICATIONS EQUIPMENT'S INTEROPERABILITY WITH STATE AND LOCAL EMERGENCY PERSONNEL HAS BEEN TESTED SEPARATELY OR AS PART OF AN ALL-HAZARD DRILL; AND

(D) ANY OTHER ISSUES RELATED TO THE SCHOOL RESPONSE FRAMEWORK, INCLUDING BUT NOT LIMITED TO NIMS IMPLEMENTATION, INCIDENT MANAGEMENT, AND COMMUNICATIONS INTEROPERABILITY WITH STATE AND LOCAL EMERGENCY PERSONNEL.

(b) INQUIRIES MADE BY THE DIVISION PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2) THAT DO NOT RELATE TO THE FIRE CODE SHALL NOT BE THE BASIS FOR A NOTICE OF DEFICIENCY OR ENFORCEMENT ACTION.

(3) (a) PURSUANT TO ITS ROLE AS A COMMUNITY PARTNER WITH SCHOOLS, THE DIVISION MAY, AS PART OF ITS REGULAR CORRESPONDENCE WITH SCHOOLS, PROVIDE INFORMATION TO SCHOOL SAFETY PERSONNEL IN SCHOOL DISTRICTS AND SCHOOLS, INCLUDING BUT NOT LIMITED TO INFORMATION RELATED TO NIMS AND INTEROPERABLE COMMUNICATIONS, COURSES AND TRAINING ON NIMS AND INTEROPERABLE COMMUNICATIONS, REPRESENTATION OF SCHOOLS AT MEETINGS HELD BY COMMUNITY PARTNERS, BEST PRACTICES IN INCIDENT MANAGEMENT, AND FUNDING OR GRANT OPPORTUNITIES RELATED TO EMERGENCY PREPAREDNESS.

(b) THE DIVISION SHALL COLLABORATE WITH THE OFFICE OF INFORMATION TECHNOLOGY, CREATED IN SECTION 24-37.5-103, THE SCHOOL SAFETY RESOURCE CENTER CREATED IN SECTION 24-33.5-1803, AND ANY OTHER GOVERNMENT ENTITIES AND COMMUNITY PARTNERS AS DETERMINED BY THE DIVISION TO COLLECT AND DISSEMINATE INFORMATION TO SCHOOL DISTRICTS AND SCHOOLS AS DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (3).

SECTION 4. 24-33.5-1203 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

24-33.5-1203. Duties of division. (1) The division shall perform the following duties:

(s) PURSUANT TO SECTION 24-33.5-1213.4, ASSIST SCHOOL DISTRICTS AND SCHOOLS IN IMPLEMENTING THE SCHOOL RESPONSE FRAMEWORK SET FORTH IN SECTION 22-32-109.1 (4), C.R.S., ADVISE SCHOOL DISTRICTS AND SCHOOLS CONCERNING ALL-HAZARD EXERCISES AND DRILLS FOR SCHOOL BUILDINGS AND THE INTEROPERABILITY OF SCHOOL COMMUNICATIONS SYSTEMS WITH STATE AND LOCAL EMERGENCY PERSONNEL, AND, IN COLLABORATION WITH THE OFFICE OF INFORMATION TECHNOLOGY CREATED IN SECTION 24-37.5-103, THE SCHOOL SAFETY RESOURCE CENTER CREATED IN SECTION 24-33.5-1803, AND OTHER GOVERNMENT ENTITIES AND COMMUNITY PARTNERS, PROVIDE INFORMATION TO SCHOOL DISTRICTS AND SCHOOLS CONCERNING EMERGENCY PREPAREDNESS.

SECTION 5. 24-37.5-105 (3) (h) and (3) (i), Colorado Revised Statutes, are amended, and the said 24-37.5-105 (3) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

24-37.5-105. Office - responsibilities - rules - repeal. (3) The office shall:

(h) Oversee and supervise the maintenance of information technology and the initiation of any information technology updates or projects for state agencies; ~~and~~

(i) Initiate all procurements of information technology resources for state agencies and enter into any agreement or contract in connection with such a procurement on behalf of a state agency; AND

(j) PROVIDE INFORMATION AND EXPERTISE, TO THE EXTENT POSSIBLE, REGARDING INTEROPERABLE AND EMERGENCY COMMUNICATIONS PLANNING, TECHNOLOGY, TRAINING, AND FUNDING OPPORTUNITIES TO STATE, REGIONAL, TRIBAL, AND LOCAL AGENCIES AND EMERGENCY PERSONNEL AND ALL OTHER STAKEHOLDERS, INCLUDING BUT NOT LIMITED TO PUBLIC, PRIVATE AND NONGOVERNMENTAL ORGANIZATIONS.

SECTION 6. 24-33.5-1803 (3), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

24-33.5-1803. School safety resource center - created - duties.

(3) The center has the following duties:

(g) TO PROVIDE INFORMATION AND RESOURCES RELATING TO SCHOOL SAFETY, SCHOOL EMERGENCY RESPONSE PLANNING AND TRAINING, AND INTEROPERABLE COMMUNICATIONS IN SCHOOLS, AS DETERMINED BY THE CENTER, TO THE DIVISION OF FIRE SAFETY IN THE DEPARTMENT OF PUBLIC SAFETY TO BE DISTRIBUTED TO SCHOOL DISTRICTS AND SCHOOLS PURSUANT TO SECTION 24-33.5-1213.4.

SECTION 7. 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.

Brandon C. Shaffer
PRESIDENT OF
THE SENATE

Frank McNulty
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO