

SENATE BILL 08-181
THE NATIONAL INCIDENT MANAGEMENT SYSTEM AND
COLORADO SCHOOL DISTRICT COMPLIANCE

Revised: Feb. 2009

Note: The authors of this position paper have revised the training section, beginning on page two, to incorporate updated training recommendations for schools receiving federal preparedness funds.

The State legislature passed and Governor Ritter signed Senate Bill 181 (SB-181) into law during the 2008 legislative term. Most of its content amends the Safe School Act, of which most is reflected in Colorado Revised Statutes 22-32-109.1. SB-181 is an effort to better prepare school districts to respond to emergencies, both natural and manmade. SB-181 requires all districts and the Charter School Institute (CSI) to adopt the tenets of the National Response Framework (NRF), including the National Incident Management System (NIMS) and the Incident Command System (ICS). All districts and the CSI must establish a date by July 1, 2009 for when they expect to be in compliance with NIMS.

Since the passage of SB-181 there has been some confusion as to what NIMS is, and what particular portions of NIMS should be required of the districts and the CSI. To assist the public education organizations in sorting out the legislation, the following representatives met in September, 2008 which resulted in co-developing this Position Statement. Following this statement, the authors offer further information about NIMS, the specific elements required by SB-181 and their supporting rationale, and training and Website resources.

POSITION STATEMENT ON SB08-181

Issued by:

Colorado School District Self Insurance Pool
Cheryle Mangels,
Executive Director;
Eric Jacobson, and
Dave Sullivan

Colorado Association of School Boards
Lauren Kingsbery,
Legal Advisor

Division of Fire Safety, Colorado Department of Public Safety
Kevin Klein,
Director

Colorado Department of Education
Janelle Krueger,
Principal Consultant,
Safe and Drug-Free Schools and Communities

Division of Emergency Management, Colorado Department of Local Affairs
Hans Kallam,
Director

SUMMARY

- There are obvious advantages to schools to follow the tenets of NIMS; however, not all requirements of NIMS are applicable to schools because NIMS was not specifically developed for schools;
- A school district and the CSI obliged to meet all of the same requirements as local government and first responders would be burdened with an unachievable task;
- SB-181 describes a more narrow, yet comprehensive list of specific elements that school districts and the CSI must follow to be considered NIMS compliant;
- SB-181 refers to necessary training but does not explicitly identify which school personnel must be trained and the specific training to be completed;
- Statewide organizations and agencies serving the school and/or the first responder communities are often approached to provide technical assistance and guidance about implementing laws in the interest of complying with the law, and

- It can be helpful to local practitioners if the statewide organization and agency representatives speak with a unified message that still respects local control and local flexibility exercised by local jurisdictions.

While simply taking courses to become NIMS compliant is possible, it is the application of the tenets and concepts of NIMS in the school safety program and plan that will provide practical application in the event of an emergency.

TRAINING

The Federal Emergency Management School Program lists a number of NIMS related courses. These courses are **required** for school districts that receive grant monies considered to be **"federal preparedness" funds**. Examples include grants from the Department of Homeland Security and the "Readiness and Emergency Management for Schools" (REMS grants from the U.S. Department of Education). Some training requirements, without funding, place an undue burden on districts without any real benefit to school safety programs. The courses listed below are minimum training recommendations for schools in Colorado (that don't receive federal preparedness funds). Check grant applications and documents for specific training requirements.

Minimum training recommendations:

ICS 100SCa, An Introduction to ICS for Schools.

It is recommended that personnel identified as members of a "Safety Team" and their backups, who are given specific responsibilities during the immediate response to an incident, complete ICS 100SCa (Independent Study, no cost, on-line course.) Safety Team memberships may include, but are not be limited to, school and district administrators and office staff, custodians, campus supervisors, school security officers, school resource officers, student support personnel such as school psychologists, counselors, social workers and school nurses, and the school or district's public information officer.

IS 362 Multi-Hazard Emergency Planning for Schools.

This is training offered by the Federal Emergency Management Agency's (FEMA) Emergency Management Institute (EMI) for individuals responsible for developing the districts' and the CSI's charter schools' all-hazard "School Safety, Readiness, and Incident Management Plan" (Independent Study; no cost, on-line course). While FEMA does not consider this course a requirement for NIMS compliancy for federal preparedness funding, it is felt that the Multi-Hazard Training for Schools provides a substantial benefit to district planning.

For some jurisdictions the minimum training identified above may be the maximum training necessary. However, school and community partners are at their discretion to complete training courses above and beyond the minimum, such as NIMS700 and ICS200. Local circumstances, such as the number of available school staff, the number of available first responders and the average length of response times can be considered when determining which personnel and how many require more extensive training to effectively manage an incident in accordance with the ICS framework. SB-181 was not intended to be a "one size fits all" approach, but rather a plan developed locally among community partners in line with local preparedness needs.

To receive federal funding The U.S. Departments of Homeland Security and Education recommend all key personnel involved in school emergency management and incident response take the NIMS, ICS, and NRF training courses and support the implementation of NIMS. This could consist of District Superintendents, Business Managers, Principles and others in key

leadership roles such as Transportation Directors, Facility Managers and Public Information Officers. It is up to each district, working with their local community partners and in accordance with their emergency plan to identify "key" personnel. Many Colorado districts may find that these positions are "dual hatted", and training requirements may be modified accordingly. These courses include:

- IS-100.SC/IS-100.SCa: *Introduction to the Incident Command System, I-100 for Schools*
- IS-200: *ICS for Single Resources and Initial Action Incidents*
- IS-300: Intermediate Incident Command System Training (to be added this year)
- IS-700a: *NIMS, An Introduction*
- IS-800.B: *National Response Framework, An Introduction*

The focus of SB-181 is to bring school districts and charter schools into alignment with local first response agencies by requiring them to be NIMS compliant. While not expected to meet the same rigid requirements NIMS sets forth for first responders, school districts have critical requirements that must be met. The focus of district efforts should be in working with local community partners in developing an all-hazard emergency plan that includes a standardized management system (ICS), memoranda of understanding with first responders that allow for seamless integration of response efforts, a robust exercise program utilizing written lessons learned to identify shortfalls in the plan and training needs and, most importantly close cooperation and coordination with local partners in determining district compliance with NIMS. A more in-depth look at NIMS and SB-181 follows.

THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS)

NIMS was developed in a national effort to coordinate response to major emergencies and disasters involving multiple agencies, jurisdictions, and levels of government. The benefits of NIMS include a unified approach to incident management; standard command and management structures; and emphasis on preparedness, mutual aid and resource management. The focus of NIMS is a coordinated response, highlighted by three key features: standardization, compatibility and interoperability. NIMS was developed to link local first responders with other jurisdictions and levels of government in a unified, coordinated response to an event. There are five basic components of NIMS:

1. Command and Management
2. Preparedness
3. Resource Management
4. Communications and Information Management
5. NIMS Management and Maintenance

More information can be found at <http://www.fema.gov/emergency/nims/index.shtm>

Each component has specific requirements for local, state, federal and tribal governments. There are obvious advantages to schools to follow the tenets of NIMS. However, not all requirements of NIMS are applicable to schools because NIMS was not specifically developed with schools in mind. SB 08-181 describes a narrower, yet comprehensive list of specific elements that school districts and the Charter School Institute (CSI) must follow to be considered NIMS compliant.

Rather than discuss the five components of NIMS in detail, this paper focuses on the requirements that school districts and the CSI must meet to be compliant with NIMS in

accordance with the new state law. By satisfying these requirements, a school district and the CSI shall be in compliance with NIMS.

REQUIREMENTS OF SB 08-181; SUPPORTING RATIONALE

SB-181 outlines specific responsibilities for school districts and CSI's charter schools to achieve NIMS compliance. It also places some specific responsibilities on the Department of Public Safety and local "community partners" essentially defined as the "first responder community." The first responder community includes, but is not limited to law enforcement, fire, emergency medical services, local mental health and public health agencies. As each requirement in SB-181 is reviewed below, the impact on schools and community partners will be examined.

Each local board of education and the CSI, through policies or procedures, is required to establish a School Response Framework which will include, at a minimum, the following components:

1. Establish date for compliance. On or before July 1, 2009 each school district and the CSI shall establish a timeline as to when the District and CSI will be in compliance with the requirements set forth in SB 08-181. This does not mean the districts and the CSI must be in compliance with NIMS by July 2009. Districts and CSI must begin working toward achieving the NIMS tenets and, in coordination with community partners, develop a strategic plan for achieving compliance. The plan and dates established to achieve compliance must be made available to the public upon request.
2. Formally adopt National Response Framework (NRF). Each district and the CSI must adopt the National Response Framework and NIMS formally through orders or resolutions. The NRF describes the response plan to be followed by the federal government. The major component of the NRF is NIMS.
3. Institutionalize the Incident Command System (ICS). In adopting the NRF and NIMS each district and the CSI charter schools will "institutionalize the Incident Command System." As NIMS is the key component of the NRF, ICS is the critical component of NIMS. The ICS is the coordinating link between multiple agencies and jurisdictions in an emergency response. This is perhaps the most critical piece of SB 08-181. School districts and the CSI charter schools must adopt ICS as the management structure to be utilized in school and district emergency response plans.
4. Start to develop an emergency response plan. Each school district and CSI's charter schools must, on or before July 1, 2009, begin working with their key community partners to develop an all-hazard, comprehensive emergency response plan, defined in SB 08-181 as a "School Safety, Readiness, and Incident Management Plan." Involving local responders in creating or updating this plan ensures that the plan will coordinate with local, county and state emergency plans. The plan, at a minimum, must identify for each school in the district the following:
 - a) "Safety Teams" (and backups) who are responsible for the initial response to an incident in the school and who interact with local first responders. The Safety Teams will make up the key positions in the ICS.
 - b) Key operational locations and facilities to be utilized by first responders. Schools will work in conjunction with first responders to identify such things

as potential locations for the incident command post and a staging area for equipment responding to an incident at the school. Working with the responder community in identifying these sites will eliminate conflict and confusion during a response.

5. Enter into memoranda of understanding with community partners. SB 08-181 requires, to the extent possible, that school districts and CSI's charter schools enter into memoranda of understanding (MOU's) with community partners. Basically these MOU's should define expectations and responsibilities on the part of both the school district and the first responders regarding a response to a school. The MOU's ensure that School Safety, Readiness, and Incident Management Plans are coordinated with local responders and all potential conflicts are eliminated.
6. Create an all-hazard exercise program based on NIMS, hold coordinated exercises and conduct written evaluation following the exercises. School districts and the CSI, to the extent possible, must create an "all-hazard exercise program." SB 08-181 calls for each school to conduct exercises involving community partners. It is recommended that districts and the CSI develop a comprehensive, scenario-based exercise program that allows the district to work closely with local emergency responders in testing district plans and facilitating cooperative efforts in coordinating response plans. Working closely with the responder community in developing exercises ensures that responders are well versed in the district's and charter schools' plan. While SB 08-181 requires, to the extent possible, specific exercises be held to include orientation meetings, drills (above and beyond fire drills) and tabletop exercises, it is recommended that districts develop an exercise schedule, based on community needs and hazards.¹ Each exercise, regardless of type, should result in an After Action Report or lessons learned. SB 08-181 requires written evaluations after exercises and real world incidents. Lessons learned assist districts and community partners in identifying shortfalls in the emergency response plan as well as identifying specific training needs. A comprehensive, all-hazard exercise program includes various types of exercises; including full-scale exercises, that build in sophistication and complexity balanced by community needs and hazards. Exercises allow for realistic reviews of operating procedures and identify necessary modifications to planning and training efforts.
7. Inventory emergency equipment. Each district and CSI charter school must inventory emergency equipment, including radios, annually. Districts should be working toward interoperability of communications equipment with the response community. Districts should also develop written procedures for communication with first responders, parents and media. It is recommended that the School Safety, Readiness, and Incident Management Plan outline exactly how these communication requirements will be met.
8. Training Requirements. Perhaps the most controversial interpretive piece of SB-181 is the training requirement. There are definitive requirements for NIMS training for local, state, federal and tribal governments. There are also stated timelines for the completion of various training courses. As stated above, NIMS compliance for school districts is different than compliance requirements for various levels of government and professional response organizations. SB-181 does not define what training is required to meet the requirements set forth in the bill other than identifying courses as listed by the Federal Emergency Management Agency (FEMA). It does however require the Colorado Department of Public Safety to identify and post on its web site such courses related to NIMS and that such courses can be counted as professional development requirements. The Emergency

¹ The Division of Fire Safety will work with school districts and the CSI to allow substitution of exercises for some of the required monthly fire drills.

Management Institute (EMI), under the auspices of FEMA, lists four required NIMS courses in its School Program necessary to receive federal preparedness funding (ICS 300 will be added to the required list this year). It also lists three other courses recommended for school preparedness. One of these is IS 362, the other two are earthquake preparedness training. Utilizing this list of courses, the following two courses are recommended as minimum training requirements for NIMS compliance for Schools Districts in Colorado.

The recommended courses are **ICS 100SCa, An Introduction to ICS for Schools** and **IS 362 Multi-Hazard Emergency Planning for Schools**. The ICS course should be taken by all persons with a responsibility in a Safe School, Readiness and Incident Management Plan or designated in a school incident command structure. The IS 362 planning course should be taken by those school personnel responsible for developing a Safe School, Readiness and Incident Management Plan. These courses can be taken on line at www.training.fema.gov under the School Program. They are also listed under the Independent Study Program. Both courses can be taken in a classroom setting. ICS 100 an Introduction to ICS can be taken in lieu of ICS for Schools. The courses are listed on both the Colorado Department of Public Safety and the Colorado Division of Emergency Management (CDEM) websites: <http://cdpsweb.state.co.us/nims.html>; <http://dola.colorado.gov/dem>. . Furthermore, a team of school personnel can travel to the Emergency Management Institute in Maryland to take an enhanced course (E362) which is four days of planning and exercising as a team.

9. Additional requirements of SB-181 concern school districts and CSI charter schools working closely with community partners in updating and revising all standard operating procedures and ensuring all aspects of NIMS, as applicable, are incorporated. Community partners are also tasked to coordinate with districts and CSI's charter schools in assessing overall compliance with NIMS, as put forth in SB-181, and developing a timeline and strategic plan for compliance.

In addition, more training is available and can be accessed via the emergency manager or designee in the county of jurisdiction, or through the CDPS, CDEM or FEMA websites. Courses such as IS 139 – Exercise Design and IS 235 Emergency Planning and many more are independent study and/or classroom-based courses.

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RECOMMENDED SCHOOL TRAINING

Minimum:

- ICS 100.SC (IS 100.SCa, IS 100 SCa – online)
- G 362 or IS 362– Multi-Hazard Emergency Planning for Schools (IS 362-online independent study)

Optional:

- NIMS 700a (IS 700 online, can be taken in a group setting)
- ICS 200 – may be considered for Districts with long response times by first responders (IS 200- online)
- IS 800 (online)
- ICS 300 (classroom setting, taught by a certified instructor)

Other disaster-related classes may be taken that relate to the above objectives and are generally offered at no charge.

Web Sites:

- www.training.fema.gov
- <http://dola.colorado.gov/dem>
- www.csdsip.net
- <http://cdpsweb.state.co.us>
- <http://rems.ed.gov>

Note: IS designates online courses, ICS or G designate courses taught in a classroom setting.

Disclaimer: The above statement reflects the opinions and professional expertise of the individuals issuing this statement and should not be considered an officially adopted position by the governing boards of the agencies identified.