

**First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 11-0362.02 Brita Darling

SENATE BILL 11-173

SENATE SPONSORSHIP

King S., King K., Morse, Shaffer B., Cadman, Carroll, Giron, Kopp, Roberts, Spence

HOUSE SPONSORSHIP

(None),

Senate Committees
Education

House Committees

A BILL FOR AN ACT

101 **CONCERNING INTEROPERABLE COMMUNICATIONS IN SCHOOLS.**

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://www.leg.state.co.us/billsummaries>.)

The bill adds additional public safety agencies and entities to the community partners defined in the school response framework and clarifies that interoperable communications is included in a school district's school safety, readiness, and incident management plan. The schools will test the emergency communications equipment and its interoperability with state and local emergency personnel.

The division of fire safety (division) in the department of public

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.

safety, as part of its regular school fire safety inspections, will inquire concerning any all-hazard drills conducted by a school, the school's communications interoperability with state and local emergency personnel, and the school's implementation of the national incident management system (NIMS).

The division may also provide information to schools as part of its regular correspondence with schools concerning 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 relating to emergency preparedness. The division shall collaborate with the governor's office of information technology, the school safety resource center in the department of public safety, and other government entities and community partners to provide information to schools.

The governor's office of information technology will provide information and expertise, along with training and other tools, to the extent possible, to the division for dissemination to schools.

The school safety resource center in the department of public safety will provide to the division information and resources as determined by the school safety resource center relating to school safety and emergency response planning and training to be disseminated by the division to schools.

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

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

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

7 (b) Each school day, Colorado educators and school personnel are
8 accountable for the safety of over eight hundred thousand students, or
9 about one-fifth of the total population of the state;

10 (c) Educators and school personnel are often the first to detect a
11 school-related threat and are the first responders in a school building, on
12 a field trip, or at a school-related event. They are also often the last

1 persons to leave the site of an incident and are tasked with managing the
2 aftereffects of an incident.

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

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

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

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

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

23 (2) The general assembly therefore finds and declares that schools
24 would benefit from the coordinated efforts of multiple agencies and
25 entities, including the governor's office of information technology, the
26 division of fire safety in the department of public safety, and the school
27 safety resource center in the department of public safety, to share best

1 practices in emergency communications; identify the emergency
2 communications needs at the school level; help target technical
3 assistance, grants, and other support; and prepare schools and the public
4 safety community for next-generation communications technologies.

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

8 **22-32-109.1. Board of education - specific powers and duties**
9 **- safe schools. (4) School response framework - school safety,**
10 **readiness, and incident management plan.** Each board of education
11 shall establish a school response framework that shall consist of policies
12 described in this subsection (4). By satisfying the requirements of this
13 subsection (4), a school or school district shall be in compliance with the
14 national incident management system, referred to in this subsection (4) as
15 "NIMS", developed by the federal emergency management system
16 AGENCY. At a minimum, the policies shall require:

17 (d) Each school district, on or before July 1, 2009, to start to
18 develop in conjunction with local fire departments, local law enforcement
19 agencies, local emergency medical service personnel, local mental health
20 organizations, and local public health agencies, collectively referred to in
21 this subsection (4) as "community partners", a school safety, readiness,
22 and incident management plan, INCLUDING, TO THE EXTENT POSSIBLE,
23 EMERGENCY COMMUNICATIONS, that coordinates with any statewide or
24 local homeland security EMERGENCY OPERATION plans. and that, IN
25 DEVELOPING THE PLAN, A SCHOOL DISTRICT MAY COLLABORATE WITH
26 LOCAL FIRE DEPARTMENTS, STATE AND LOCAL LAW ENFORCEMENT
27 AGENCIES, LOCAL 911 AGENCIES, LOCAL EMERGENCY MEDICAL SERVICE

1 PERSONNEL, LOCAL MENTAL HEALTH ORGANIZATIONS, LOCAL PUBLIC
2 HEALTH AGENCIES, LOCAL EMERGENCY MANAGEMENT PERSONNEL, AND
3 LOCAL OR REGIONAL HOMELAND SECURITY PERSONNEL, WHICH ENTITIES
4 ARE COLLECTIVELY REFERRED TO IN THIS SUBSECTION (4) AS "COMMUNITY
5 PARTNERS". THE SCHOOL SAFETY, READINESS, AND INCIDENT
6 MANAGEMENT PLAN SHALL, at a minimum, identifies IDENTIFY for each
7 public school in the school district:

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

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

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

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

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

26 **24-33.5-1213.4. School all-hazard emergency planning and**
27 **response.** (1) THE SCHOOL RESPONSE FRAMEWORK CREATED IN SECTION

1 22-32-109.1 (4), C.R.S., SETS FORTH THE FRAMEWORK FOR SCHOOL
2 EMERGENCY INCIDENT RESPONSE AND EMERGENCY PREPAREDNESS,
3 INCLUDING EMERGENCY COMMUNICATIONS. PURSUANT TO THE SCHOOL
4 RESPONSE FRAMEWORK, EMERGENCY RESPONSE PERSONNEL ARE
5 COMMUNITY PARTNERS WITH SCHOOLS. AS PART OF ITS DUTY TO
6 REGULARLY INSPECT SCHOOL _____ BUILDINGS TO ENSURE COMPLIANCE
7 WITH THE FIRE CODE, THE DIVISION, LOCAL FIRE DEPARTMENTS, AND
8 CERTIFIED FIRE INSPECTORS MAY PARTNER WITH SCHOOLS IN ASSESSING
9 EACH SCHOOL'S IMPLEMENTATION OF NIMS AND THE INTEROPERABILITY
10 OF THE SCHOOL'S EMERGENCY COMMUNICATIONS EQUIPMENT WITH STATE
11 AND LOCAL EMERGENCY RESPONSE AGENCIES.

12 (2) (a) AS PART OF THE DIVISION'S DUTY, AS SET FORTH IN SECTION
13 24-33.5-1213, TO ENFORCE THE PROVISIONS OF SECTION 22-32-124 (2),
14 C.R.S., AND SECTION 24-33.5-1213.3, THE DIVISION:

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

18 (II) MAY INQUIRE CONCERNING:

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

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

26 (C) THE NATURE AND LOCATION OF THE SCHOOL'S EMERGENCY
27 EQUIPMENT, INCLUDING COMMUNICATIONS EQUIPMENT, AND WHETHER

1 THE COMMUNICATIONS EQUIPMENT'S INTEROPERABILITY WITH STATE AND
2 LOCAL EMERGENCY PERSONNEL HAS BEEN TESTED SEPARATELY OR AS
3 PART OF AN ALL-HAZARD DRILL; AND

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

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

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

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

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

3 **24-33.5-1203. Duties of division.** (1) The division shall perform
4 the following duties:

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

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

20 **24-37.5-105. Office - responsibilities - rules - repeal.** (3) The
21 office shall:

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

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

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

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

10 **24-33.5-1803. School safety resource center - created - duties.**

11 (3) The center has the following duties:

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

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