

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

INTRODUCED

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 and instantaneously with schools by radio
9 creates the potential for unnecessary communication delays and poses a
10 significant risk to 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~~ JULY 1, 2012,
18 to start to develop, in conjunction with local fire departments, STATE AND
19 local law enforcement agencies, LOCAL 911 AGENCIES, local emergency
20 medical service personnel, local mental health organizations, ~~and~~ local
21 public health agencies, LOCAL EMERGENCY MANAGEMENT PERSONNEL,
22 AND LOCAL OR REGIONAL HOMELAND SECURITY PERSONNEL, collectively
23 referred to in this subsection (4) as "community partners", a school safety,
24 readiness, and incident management plan, INCLUDING INTEROPERABLE
25 COMMUNICATIONS, that coordinates with any statewide or local homeland
26 security plans and that, at a minimum, identifies for each public school in
27 the school district:

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

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

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

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

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

19 **24-33.5-1213.4. School all-hazard emergency planning and**
20 **response.** (1) (a) THE SCHOOL RESPONSE FRAMEWORK CREATED IN
21 SECTION 22-32-109.1 (4), C.R.S., REFERRED TO IN THIS SECTION AS THE
22 "SCHOOL RESPONSE FRAMEWORK", REQUIRES SCHOOL DISTRICTS TO ADOPT
23 THE NATIONAL INCIDENT MANAGEMENT SYSTEM, REFERRED TO IN THIS
24 SECTION AS "NIMS", DEVELOPED BY THE FEDERAL EMERGENCY
25 MANAGEMENT AGENCY, AND TO INSTITUTIONALIZE THE INCIDENT
26 COMMAND SYSTEM DESCRIBED IN NIMS. AS PART OF THE ADOPTION OF
27 NIMS, EACH SCHOOL DISTRICT SHALL DEVELOP, IN CONJUNCTION WITH

1 COMMUNITY PARTNERS, A SCHOOL SAFETY, READINESS, AND INCIDENT
2 MANAGEMENT PLAN, INCLUDING INTEROPERABILITY COMMUNICATIONS,
3 COORDINATED WITH STATEWIDE OR LOCAL HOMELAND SECURITY PLANS.
4 THE COMMUNITY PARTNERS REFERRED TO IN THE SCHOOL RESPONSE
5 FRAMEWORK AND IN THIS SECTION INCLUDE LOCAL FIRE DEPARTMENTS,
6 STATE AND LOCAL LAW ENFORCEMENT AGENCIES, LOCAL 911 AGENCIES,
7 EMERGENCY MEDICAL SERVICE PERSONNEL, LOCAL EMERGENCY
8 MANAGEMENT PERSONNEL, LOCAL OR REGIONAL HOMELAND SECURITY
9 PERSONNEL, LOCAL MENTAL HEALTH ORGANIZATIONS, AND LOCAL PUBLIC
10 HEALTH AGENCIES.

11 (b) THE SCHOOL RESPONSE FRAMEWORK REQUIRES SCHOOLS, TO
12 THE EXTENT POSSIBLE, TO CREATE ALL-HAZARD EXERCISE PROGRAMS
13 BASED ON NIMS, CONDUCT EXERCISES IN COORDINATION WITH
14 COMMUNITY PARTNERS, AND CONDUCT ALL-HAZARD DRILLS, IN ADDITION
15 TO REGULAR FIRE DRILLS, TO PRACTICE AND ASSESS PREPAREDNESS AND
16 COMMUNICATIONS INTEROPERABILITY WITH COMMUNITY PARTNERS.
17 FURTHER, EACH PUBLIC SCHOOL SHALL ANNUALLY INVENTORY
18 EMERGENCY EQUIPMENT, INCLUDING EMERGENCY COMMUNICATIONS
19 EQUIPMENT, AND TEST ITS INTEROPERABILITY WITH AFFECTED STATE AND
20 LOCAL AGENCIES. THE DIVISION AND THE LOCAL FIRE DEPARTMENTS THAT
21 WILL BE PART OF THE FIRST RESPONSE DURING A SCHOOL EMERGENCY ARE
22 CRITICAL COMMUNITY PARTNERS FOR SCHOOL DISTRICTS THAT ARE
23 DEVELOPING, MANAGING, AND TESTING THEIR SCHOOL SAFETY,
24 READINESS, AND INCIDENT MANAGEMENT PLANS AND INSTITUTIONALIZING
25 THE INCIDENT COMMAND SYSTEM AT EACH SCHOOL IN THE SCHOOL
26 DISTRICT.

27 (c) AS PART OF ITS DUTY TO REGULARLY INSPECT SCHOOL

1 BUILDINGS TO ENSURE COMPLIANCE WITH THE FIRE CODE, THE DIVISION,
2 LOCAL FIRE DEPARTMENTS, AND CERTIFIED FIRE INSPECTORS MAY
3 PARTNER WITH SCHOOLS IN ASSESSING EACH SCHOOL'S IMPLEMENTATION
4 OF NIMS AND THE INTEROPERABILITY OF THE SCHOOL'S EMERGENCY
5 COMMUNICATIONS EQUIPMENT WITH STATE AND LOCAL EMERGENCY
6 RESPONSE AGENCIES.

7 (2) (a) AS PART OF THE DIVISION'S DUTY, AS SET FORTH IN SECTION
8 24-33.5-1213, TO ENFORCE THE PROVISIONS OF SECTION 22-32-124 (2),
9 C.R.S., AND SECTION 24-33.5-1213.3, THE DIVISION:

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

13 (II) MAY INQUIRE CONCERNING:

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

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

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

26 (D) ANY OTHER ISSUES RELATED TO THE SCHOOL RESPONSE
27 FRAMEWORK, INCLUDING BUT NOT LIMITED TO NIMS IMPLEMENTATION,

1 INCIDENT MANAGEMENT, AND COMMUNICATIONS INTEROPERABILITY WITH
2 STATE AND LOCAL EMERGENCY PERSONNEL.

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

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

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

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

25 **24-33.5-1203. Duties of division.** (1) The division shall perform
26 the following duties:

27 (s) PURSUANT TO SECTION 24-33.5-1213.4, ASSIST SCHOOL

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

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

15 **24-37.5-105. Office - responsibilities - rules - repeal.** (3) The
16 office shall:

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

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

23 (j) PROVIDE INFORMATION AND EXPERTISE, TO THE EXTENT
24 POSSIBLE, TO THE DIVISION OF FIRE SAFETY IN THE DEPARTMENT OF PUBLIC
25 SAFETY RELATING TO SCHOOL SAFETY AND EMERGENCY RESPONSE
26 TRAINING OPPORTUNITIES AND FUNDING OPPORTUNITIES, STATE AND
27 REGIONAL EMERGENCY MANAGEMENT PLANNING, INCLUDING TACTICAL

1 AND LONG-TERM INTEROPERABLE COMMUNICATIONS PLANS, AND
2 TECHNOLOGY, TRAINING, AND PLANNING RELATED TO INTEROPERABLE
3 COMMUNICATIONS BETWEEN SCHOOLS AND SCHOOL DISTRICTS AND STATE
4 AND LOCAL EMERGENCY PERSONNEL.

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

7 **24-33.5-1803. School safety resource center - created - duties.**

8 (3) The center has the following duties:

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

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