

An Act

SENATE BILL 08-181

BY SENATOR(S) Wiens, Cadman, Kopp, Mitchell S., Boyd, Brophy, Gibbs, Gordon, Groff, Harvey, Isgar, Johnson, Keller, Kester, McElhany, Morse, Renfroe, Romer, Sandoval, Schwartz, Shaffer, Spence, Tapia, Taylor, Tochtrop, Veiga, Ward, Williams, and Windels;
also REPRESENTATIVE(S) Massey, Carroll T., Curry, Frangas, Green, Hodge, Jahn, Kerr J., King, Labuda, Lambert, Liston, Lundberg, Marostica, May M., McFadyen, Merrifield, Middleton, Mitchell V., Peniston, Primavera, Rice, Romanoff, Rose, Scanlan, Solano, and Todd.

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

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

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

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

(b) Educators and school personnel are the first responders in the school, on field trips, and at school-related events. They are the first to

detect a school-related threat, first to respond to a school-related incident, and last to leave the site of an incident, and they are the ones left to cope with the aftereffects of an incident.

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

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

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

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

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

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

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

24-33.5-110. Posting of notice of NIMS classes. THE DEPARTMENT SHALL PLACE ON ITS WEB SITE A DESCRIPTION OF THE NATIONAL INCIDENT MANAGEMENT SYSTEM, DEVELOPED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY AND REFERRED TO IN THIS SECTION AS "NIMS", AND A LISTING, WITH ANY APPLICABLE LINKS, OF ON-LINE COURSES REQUIRED TO BECOME NIMS-CERTIFIED AND COURSES RELATED TO NIMS AT INSTITUTIONS WITHIN THE STATE SYSTEM OF COMMUNITY AND TECHNICAL COLLEGES.

SECTION 3. 22-32-109.1 (4), Colorado Revised Statutes, is 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 ~~crisis management policy~~ 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. At a minimum, ~~sets forth~~ THE POLICIES SHALL REQUIRE:

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

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

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

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

(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 THAT COORDINATES WITH ANY STATEWIDE OR LOCAL HOMELAND SECURITY PLANS AND THAT, AT A MINIMUM, IDENTIFIES FOR EACH PUBLIC SCHOOL IN THE SCHOOL DISTRICT:

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

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

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

(f) TO THE EXTENT POSSIBLE, EACH PUBLIC SCHOOL TO CREATE A 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;

(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:

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

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

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

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

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

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

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

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

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

(n) EACH SCHOOL DISTRICT TO COORDINATE WITH COMMUNITY PARTNERS TO ASSESS OVERALL ALIGNMENT AND COMPLIANCE WITH NIMS; IDENTIFY REQUIREMENTS ALREADY MET; ESTABLISH A BASELINE FOR NIMS

COMPLIANCE; AND DETERMINE ACTION STEPS, INCLUDING DEVELOPING A PLAN AND TIMELINE, TO ACHIEVE AND MAINTAIN ALL NIMS GOALS; AND

(o) EACH SCHOOL DISTRICT TO DEVELOP A TIMELINE AND STRATEGY FOR COMPLIANCE WITH THE REQUIREMENTS OF THIS SUBSECTION (4) AND TO STRATEGICALLY PLAN, SCHEDULE, AND CONDUCT ALL ACTIVITIES WITH COMMUNITY PARTNERS.

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

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

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

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

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

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

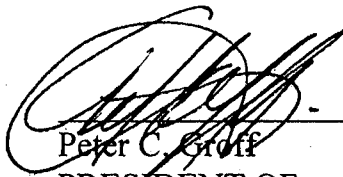
(c) (I) To fix the tuition and fees to be charged in the community and technical colleges. The board shall fix tuition in accordance with the level of cash fund appropriations set by the general assembly for such

institutions pursuant to section 23-1-103.5.

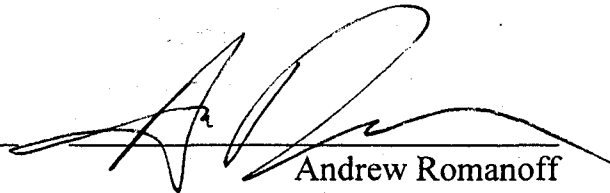
(II) TO THE EXTENT SPACE IS AVAILABLE, THE BOARD MAY ALLOW PERSONS LICENSED PURSUANT TO ARTICLE 60.5 OF TITLE 22, C.R.S., TO TAKE, WITHOUT CHARGE AT COMMUNITY AND TECHNICAL COLLEGES, CLASSES IDENTIFIED BY THE DEPARTMENT OF PUBLIC SAFETY PURSUANT TO SECTION 24-33.5-110, C.R.S., AS RELATED TO THE NATIONAL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

SECTION 7. Safety clause. The general assembly hereby finds,

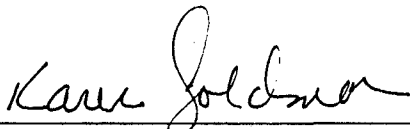
determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.



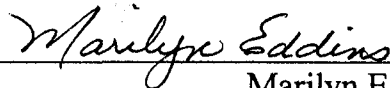
Peter C. Griffin
PRESIDENT OF
THE SENATE



Andrew Romanoff
SPEAKER OF THE HOUSE
OF REPRESENTATIVES



Karen Goldman
SECRETARY OF
THE SENATE



Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED May 14, 2008 at 11:50 A.M.



Bill Ritter, Jr.
GOVERNOR OF THE STATE OF COLORADO