

1 **ENROLLED**

2 COMMITTEE SUBSTITUTE

3 FOR

4 **Senate Bill No. 592**

5 (SENATORS PALUMBO, STOLLINGS, PLYMALE, UNGER, BROWNING, MINARD, FOSTER,
6 WELLS, FANNING, JENKINS, TUCKER AND KESSLER (ACTING PRESIDENT), *original*
7 *sponsors*)

8 _____
9 [Passed March 11, 2011; in effect ninety days from passage.]

10
11 _____
12
13 AN ACT to amend and reenact §18-9F-1 of the Code of West Virginia,
14 1931, as amended; to amend said code by adding thereto a new
15 section, designated §18-9F-9; and to amend and reenact §18-28-
16 2 of said code, all relating to requiring crisis response
17 plans for all schools; updating legislative findings and
18 intent; requiring the state board in conjunction with the
19 Division of Homeland Security and Emergency Management
20 promulgate legislative rule by certain date for school
21 specific crisis response plan establishment, minimum content,
22 safeguards, updating, filing, informing and training school
23 personnel, release of information to public; procedures for
24 non public schools; authorizing emergency rule; considerations
25 in developing rule; minimum contents of rule; requiring plan

1 filing with county boards and certain disposition including
2 public inspection of redacted copies and notice to parents;
3 and requiring private, parochial and religious schools to
4 establish, file and update school specific crisis response
5 plan that complies with certain rule requirements.

6 *Be it enacted by the Legislature of West Virginia:*

7 That §18-9F-1 of the Code of West Virginia, 1931, as amended,
8 be amended and reenacted; that said code be amended by adding
9 thereto a new section, designated §18-9F-9; and that §18-28-2 of
10 said code be amended and reenacted, all to read as follows:

11 **ARTICLE 9F. SCHOOL ACCESS SAFETY AND CRISIS RESPONSE ACT.**

12 **§18-9F-1. Legislative findings and intent.**

13 (a) The Legislature finds that:

14 (1) Establishing and maintaining safe and secure schools is
15 critical to fostering a healthy learning environment and maximizing
16 student achievement;

17 (2) All school facilities in the state should be designed,
18 constructed, furnished and maintained in a manner that enhances a
19 healthy learning environment and provides necessary safeguards for
20 the health, safety and security of persons who enter and use the
21 facilities;

22 (3) Adequate safeguards for the ingress to and egress from
23 school facilities of pupils, school employees, parents, visitors
24 and emergency personnel are critical to the overall safety of the
25 public schools in this state;

26 (4) Safety upgrades to the means of ingress to and egress from

1 school facilities for pupils, school employees, parents, visitors
2 and emergency personnel must be part of a comprehensive analysis of
3 overall school safety issues that takes into consideration the
4 input of local law-enforcement agencies, local emergency services
5 agencies, community leaders, parents, pupils, teachers,
6 administrators and other school employees interested in the
7 prevention of school crime and violence;

8 (5) In order to help ensure safety in all schools within the
9 state and to be prepared to adequately respond to potential crises,
10 including any traumatic event or emergency condition that creates
11 distress, hardship, fear or grief, each school must have an up-to-
12 date comprehensive crisis response plan as detailed in section nine
13 of this article.

14 (b) It is the intent of the Legislature to empower the School
15 Building Authority to facilitate and provide state funds for the
16 design, construction, renovation, repair and upgrading of
17 facilities so as to enhance school access safety and provide secure
18 ingress to and egress from school facilities to pupils, school
19 employees, parents, visitors and emergency personnel.

20 **§18-9F-9. Crisis Response Plan.**

21 (a) The state board in conjunction with the Division of
22 Homeland Security and Emergency Management shall promulgate by
23 December 31, 2011, a legislative rule in accordance with article
24 three-b, chapter twenty-nine-a of this code, and if necessary may
25 promulgate an emergency rule in accordance with said article, for
26 the establishment of an up-to-date, school specific crisis response

1 plan at every school in the state. In developing the rule, the
2 state board shall consider plans currently being developed as part
3 of the safe schools initiative currently underway by the School
4 Building Authority and the Division of Homeland Security and
5 Emergency Management. In addition, those portions of a school's
6 access safety plan created pursuant to section three of this
7 article may be used as a portion of the school's school specific
8 crisis response plan if there are any overlapping requirements.
9 The rule shall provide for at least the following:

10 (1) A model school crisis response plan for use by each school
11 in the state, including a uniform template which shall be used by
12 each school to file the plan, including at least the following
13 information, in a secure electronic system identified by the
14 Division of Homeland Security and Emergency Management:

15 (A) The school employee in charge during a crisis and a
16 designated substitute;

17 (B) A communication plan to be used during a crisis;

18 (C) Protocols for responding to immediate physical harm of
19 students, faculty or staff and to traumatic events, including the
20 period after the events have concluded;

21 (D) Disaster and emergency procedures to respond to
22 earthquakes, fire, flood, other natural disasters, explosions or
23 other events or conditions in which death or serious injury is
24 likely;

25 (E) Crisis procedures for safe entrance to and exit from the
26 school by students, parents, and employees, including an evacuation

1 and lock down plan; and

2 (F) Policies and procedures for enforcing school discipline
3 and maintaining a safe and orderly environment during the crisis.

4 (2) A requirement that each school's school specific crisis
5 response plan shall be in place and filed with that school's county
6 board, and included in a secure electronic system identified by the
7 Division of Homeland Security and Emergency Management, no later
8 than August 1, 2013, or soon after completion by the school,
9 whichever occurs first;

10 (3) The necessary safeguards to protect information contained
11 in each school specific crisis response plan that may be considered
12 protected critical infrastructure information, law enforcement
13 sensitive information or for official use only. These safeguards
14 must have the approval the Division of Homeland Security and
15 Emergency Management. County boards shall provide the same
16 necessary safeguards for the information in the plan;

17 (4) The annual review and necessary update of the model plan
18 and uniform template by state board in conjunction with the
19 Division of Homeland Security and Emergency Management by December
20 31 of each year after 2011;

21 (5) The development by each school of a school specific crisis
22 response plan by using the state board's model plan as an example
23 and with consultation from local social services agencies, local
24 first response agencies including police, fire, emergency medical
25 services (EMS), emergency management and any other local entities
26 that the school's crisis response planning team determines should

1 be consulted;

2 (6) Procedures for the annual review and update if necessary
3 by each school of its school specific crisis response planning
4 plan. Each school shall file either an updated crisis response
5 plan or a memorandum stating that no update to the crisis response
6 plan was necessary with its county board and the Division of
7 Homeland Security and Emergency Management no later than August 1
8 of each year after 2013.

9 (7) Procedures for each school within the state to form a
10 crisis response planning team, which team may consist of the
11 school's Local School Improvement Council or a separate team
12 consisting of the principal, two teachers, one service person and
13 two parents of children attending the school. In addition the
14 school may include on the team one member of the county board, a
15 school counselor, a member from local law-enforcement authorities,
16 the local county emergency services director and one student in
17 grade ten or higher if the school has those grades;

18 (8) Procedures for informing and training school personnel on
19 any actions required of them to effectuate the school's school
20 specific crisis response plan;

21 (9) A model template for redacted copies of the school crisis
22 response plan for the public inspection and for the release and
23 notice to parents of information related to the plan; and

24 (10) Procedures for non public schools to establish, file and
25 update school crisis response plans consistent with subdivision (1)
26 subsection (a) of this section.

1 (b) The county board shall keep the current crisis response
2 plan of each school in the county on file and, unless otherwise
3 provided for, provide a copy of each school's crisis response plan
4 to each local emergency response agency that has a role in the
5 plan. Local emergency response agencies that maintain a copy of
6 the plan shall provide the necessary safeguards for the information
7 in the plan established pursuant to the state board rule
8 promulgated pursuant to subsection (a) of this section. Upon
9 request, a redacted copy of a school crisis response plan shall be
10 made available for inspection by the public with any information
11 removed that is necessary for compliance with the necessary
12 safeguards. Starting with the 2012-2013 school year, each school
13 shall annually send notice home to all parents and guardians of
14 students at the school alerting the parents and guardians to the
15 existence of the crisis response plan and the ability to review a
16 redacted copy at the offices of the county board.

17 **ARTICLE 28. PRIVATE, PAROCHIAL OR CHURCH SCHOOLS OR SCHOOLS OF A**
18 **RELIGIOUS ORDER.**

19 **§18-28-2. Attendance; health and safety regulations.**

20 The following is applicable to private, parochial or church
21 schools or schools of a religious order:

22 (a) Each school shall observe a minimum instructional term of
23 one hundred eighty days with an average of five hours of
24 instruction per day;

25 (b) Each school shall make and maintain annual attendance and

1 disease immunization records for each pupil enrolled and regularly
2 attending classes. The attendance records shall be made available
3 to the parents or legal guardians;

4 (c) Upon the request of the county superintendent, a school
5 (or a parents organization composed of the parents or guardians of
6 children enrolled in the school) shall furnish to the county board
7 a list of the names and addresses of all children enrolled in the
8 school between the ages of seven and sixteen years;

9 (d) Attendance by a child at any school which complies with
10 this article satisfies the requirements of compulsory school
11 attendance;

12 (e) Each school is subject to reasonable fire, health and
13 safety inspections by state, county and municipal authorities as
14 required by law, and is required to comply with the West Virginia
15 school bus safety regulations; and

16 (f) Each school shall establish, file and update a school
17 specific crisis response plan which complies with the requirements
18 established for it by the state board and the Division of Homeland
19 Security and Emergency Management pursuant to section nine, article
20 nine-f of this chapter.