

**Senate Bill No. 592**

(By Senators Palumbo, Stollings, Plymale, Unger, Browning,  
Minard, Foster, Wells, Fanning, Jenkins, Tucker and Kessler  
(Acting President))

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[Introduced February 21, 2011; referred to the Committee on  
Education.]

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A BILL to amend and reenact §18-9F-1 of the Code of West Virginia,  
1931, as amended; to amend said code by adding thereto a new  
section, designated §18-9F-9; and to amend and reenact §18-28-  
2 of said code, all relating to requiring that schools have  
crisis response plans; updating legislative findings and  
intent; establishing criteria for creating and updating crisis  
response plans; authorizing legislative rules to assist in  
devising requirements for crisis response plans; and requiring  
private, parochial and religious schools to create crisis  
response plans.

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

That §18-9F-1 of the Code of West Virginia, 1931, as amended,  
be amended and reenacted; that said code be amended by adding

1 thereto a new section, designated §18-9F-9; and that §18-28-2 of  
2 said code be amended and reenacted, all to read as follows:

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

4 **§18-9F-1. Legislative findings and intent.**

5 (a) The Legislature finds that:

6 (1) Establishing and maintaining safe and secure schools is  
7 critical to fostering a healthy learning environment and maximizing  
8 student achievement;

9 (2) All school facilities in the state should be designed,  
10 constructed, furnished and maintained in a manner that enhances a  
11 healthy learning environment and provides necessary safeguards for  
12 the health, safety and security of persons who enter and use the  
13 facilities;

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

18 (4) Safety upgrades to the means of ingress to and egress from  
19 school facilities for pupils, school employees, parents, visitors  
20 and emergency personnel must be part of a comprehensive analysis of  
21 overall school safety issues that takes into consideration the  
22 input of local law-enforcement agencies, local emergency services  
23 agencies, community leaders, parents, pupils, teachers,  
24 administrators and other school employees interested in the

1 prevention of school crime and violence;

2 (5) In order to help ensure safety in all schools within the  
3 state and to be prepared to adequately respond to potential crises,  
4 including any traumatic event or emergency condition that creates  
5 distress, hardship, fear or grief, each school must create a  
6 comprehensive crisis response plan as detailed in section nine of  
7 this article.

8 (b) It is the intent of the Legislature to empower the School  
9 Building Authority to facilitate and provide state funds for the  
10 design, construction, renovation, repair and upgrading of  
11 facilities so as to enhance school access safety and provide secure  
12 ingress to and egress from school facilities to pupils, school  
13 employees, parents, visitors and emergency personnel.

14 **§18-9F-9. Crisis Response Plan.**

15 (a) The state board shall develop a model school crisis  
16 response plan for use by each school in the state by December 31,  
17 2011. The state board shall review the model plan each year and  
18 make any necessary updates to the model plan by December 31 of each  
19 year.

20 (b) Each school within the state shall form a crisis response  
21 team consisting of the principal, two teachers, one service person,  
22 and two parents of children attending the school. The crisis  
23 response team may include one member of the county board, a school  
24 counselor, a member from local law-enforcement authorities, and one

1 student in grade ten or higher if the school has those grades.

2 (c) Each school within the state, through the school's crisis  
3 response team, shall develop a school specific crisis response plan  
4 by using the state board's model plan as an example and with  
5 consultation from local social services agencies, local law-  
6 enforcement authorities, and any other local entities that the  
7 school's crisis response team determines should be consulted:  
8 *Provided*, That a portion of any school access safety plan created  
9 pursuant to section three of this article may be used as a portion  
10 of the school specific crisis response plan if there are any  
11 overlapping requirements.

12 (d) Each school specific crisis response plan must be in place  
13 and filed with that school's county board by August 1, 2012. Each  
14 school's crisis response team shall annually review its crisis  
15 response plan and shall update the plan if necessary. Each school  
16 shall file either an updated crisis response plan or a memorandum  
17 stating that no update to the crisis response plan was necessary  
18 with its county board no later than August 1 of each year after  
19 2012. The county board shall keep the current crisis response plan  
20 of each school on file and provide a copy of each school's crisis  
21 response plan to each local agency that has a role in the plan.  
22 Upon request, a copy of a school crisis response plan shall be made  
23 available for inspection by the public. Starting with the 2012-  
24 2013 school year, each school shall annually send notice home to

1 all parents and guardians of students at the school alerting the  
2 parents and guardians to the existence of the crisis response plan  
3 and the ability to review a copy at the county board.

4 (e) No later than December 31, 2011, the state board shall  
5 promulgate a rule in accordance with the provisions of article  
6 three-b, chapter twenty-nine-a of this code regarding the required  
7 inclusions for each school specific crisis plan and which must  
8 include at least the following:

9 (1) The person in charge during a crisis and a designated  
10 substitute;

11 (2) A communication plan during a crisis;

12 (3) Protocols for responding to immediate physical harm of  
13 students, faculty, or staff and to traumatic events, including the  
14 period after the events have concluded;

15 (4) Disaster and emergency procedures to respond to  
16 earthquakes, fire, flood, other natural disasters, explosions, or  
17 other events or conditions in which death or serious injury is  
18 likely;

19 (5) Crisis procedures for safe entrance to and exit from the  
20 school by students, parents, and employees, including an evacuation  
21 and lock down plan; and

22 (6) Policies for enforcing school discipline and maintaining  
23 a safe and orderly environment during the crisis.

24 **ARTICLE 28. PRIVATE, PAROCHIAL OR CHURCH SCHOOLS, OR SCHOOLS OF A**

1                   **RELIGIOUS ORDER.**

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

3           Each private, parochial or church school or school of a  
4 religious order shall observe a minimum instructional term of one  
5 hundred eighty days with an average of five hours of instruction  
6 per day, and shall make and maintain annual attendance and disease  
7 immunization records for each pupil enrolled and regularly  
8 attending classes. Such attendance records shall be made available  
9 to the parents or legal guardians. Upon the request of the county  
10 superintendent of schools, any school to which this applies (or a  
11 parents organization composed of the parents or guardians of  
12 children enrolled in said school) shall furnish to the county board  
13 of education a list of the names and addresses of all children  
14 enrolled in such school between the ages of seven and sixteen  
15 years. Attendance by a child at any school to which this article  
16 relates and which complies with this article shall satisfy the  
17 requirements of compulsory school attendance. Each such school  
18 shall be subject to reasonable fire, health and safety inspections  
19 by state, county and municipal authorities as required by law, and  
20 shall further be required to comply with the West Virginia school  
21 bus safety regulations. Each such school shall create a crisis  
22 response plan, as detailed in section nine, article nine-f of this  
23 chapter, and follow all requirements of the section and any rules  
24 promulgated under that section.

NOTE: The purpose of this bill is to require that all K-12 schools have a crisis response plan in place.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.

§18-9F-9 is new; therefore, strike-throughs and underscoring have been omitted.