

**ENROLLED**

COMMITTEE SUBSTITUTE

FOR

**Senate Bill No. 592**

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

---

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

---

AN ACT 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 crisis response plans for all schools; updating legislative findings and intent; requiring the state board in conjunction with the Division of Homeland Security and Emergency Management promulgate legislative rule by certain date for school specific crisis response plan establishment, minimum content, safeguards, updating, filing, informing and training school personnel, release of information to public; procedures for non public schools; authorizing emergency rule; considerations in developing rule; minimum contents of rule; requiring plan filing with county boards and certain disposition including public inspection of redacted copies and notice to parents; and requiring private, parochial and religious schools to establish, file and update school specific crisis response plan that complies with certain rule requirements.

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

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

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

1 (a) The Legislature finds that:

2 (1) Establishing and maintaining safe and secure schools is  
3 critical to fostering a healthy learning environment and  
4 maximizing student achievement;

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

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

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

23 (5) In order to help ensure safety in all schools within the  
24 state and to be prepared to adequately respond to potential

25 crises, including any traumatic event or emergency condition  
26 that creates distress, hardship, fear or grief, each school must  
27 have an up-to-date comprehensive crisis response plan as  
28 detailed in section nine of this article.

29 (b) It is the intent of the Legislature to empower the School  
30 Building Authority to facilitate and provide state funds for  
31 the design, construction, renovation, repair and upgrading of  
32 facilities so as to enhance school access safety and provide  
33 secure ingress to and egress from school facilities to pupils,  
34 school employees, parents, visitors and emergency personnel.

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

1 (a) The state board in conjunction with the Division of  
2 Homeland Security and Emergency Management shall  
3 promulgate by December 31, 2011, a legislative rule in  
4 accordance with article three-b, chapter twenty-nine-a of  
5 this code, and if necessary may promulgate an emergency  
6 rule in accordance with said article, for the establishment of  
7 an up-to-date, school specific crisis response plan at every  
8 school in the state. In developing the rule, the state board  
9 shall consider plans currently being developed as part of the  
10 safe schools initiative currently underway by the School  
11 Building Authority and the Division of Homeland Security  
12 and Emergency Management. In addition, those portions of  
13 a school's access safety plan created pursuant to section  
14 three of this article may be used as a portion of the school's  
15 school specific crisis response plan if there are any overlap-  
16 ping requirements. The rule shall provide for at least the  
17 following:

18 (1) A model school crisis response plan for use by each  
19 school in the state, including a uniform template which shall  
20 be used by each school to file the plan, including at least the  
21 following information, in a secure electronic system identi-  
22 fied by the Division of Homeland Security and Emergency  
23 Management:

24 (A) The school employee in charge during a crisis and a  
25 designated substitute;

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

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

30 (D) Disaster and emergency procedures to respond to  
31 earthquakes, fire, flood, other natural disasters, explosions  
32 or other events or conditions in which death or serious injury  
33 is likely;

34 (E) Crisis procedures for safe entrance to and exit from the  
35 school by students, parents, and employees, including an  
36 evacuation and lock down plan; and

37 (F) Policies and procedures for enforcing school discipline  
38 and maintaining a safe and orderly environment during the  
39 crisis.

40 (2) A requirement that each school's school specific crisis  
41 response plan shall be in place and filed with that school's  
42 county board, and included in a secure electronic system  
43 identified by the Division of Homeland Security and Emer-  
44 gency Management, no later than August 1, 2013, or soon  
45 after completion by the school, whichever occurs first;

46 (3) The necessary safeguards to protect information  
47 contained in each school specific crisis response plan that  
48 may be considered protected critical infrastructure informa-  
49 tion, law enforcement sensitive information or for official use  
50 only. These safeguards must have the approval the Division  
51 of Homeland Security and Emergency Management. County  
52 boards shall provide the same necessary safeguards for the  
53 information in the plan;

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

58 (5) The development by each school of a school specific  
59 crisis response plan by using the state board's model plan as  
60 an example and with consultation from local social services  
61 agencies, local first response agencies including police, fire,  
62 emergency medical services (EMS), emergency management  
63 and any other local entities that the school's crisis response  
64 planning team determines should be consulted;

65 (6) Procedures for the annual review and update if neces-  
66 sary by each school of its school specific crisis response  
67 planning plan. Each school shall file either an updated crisis  
68 response plan or a memorandum stating that no update to  
69 the crisis response plan was necessary with its county board  
70 and the Division of Homeland Security and Emergency  
71 Management no later than August 1 of each year after 2013.

72 (7) Procedures for each school within the state to form a  
73 crisis response planning team, which team may consist of the  
74 school's Local School Improvement Council or a separate  
75 team consisting of the principal, two teachers, one service  
76 person and two parents of children attending the school. In  
77 addition the school may include on the team one member of  
78 the county board, a school counselor, a member from local  
79 law-enforcement authorities, the local county emergency  
80 services director and one student in grade ten or higher if the  
81 school has those grades;

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

85 (9) A model template for redacted copies of the school  
86 crisis response plan for the public inspection and for the  
87 release and notice to parents of information related to the  
88 plan; and

89 (10) Procedures for non public schools to establish, file and  
90 update school crisis response plans consistent with subdivi-  
91 sion (1) subsection (a) of this section.

92 (b) The county board shall keep the current crisis response  
93 plan of each school in the county on file and, unless other-  
94 wise provided for, provide a copy of each school's crisis  
95 response plan to each local emergency response agency that  
96 has a role in the plan. Local emergency response agencies  
97 that maintain a copy of the plan shall provide the necessary  
98 safeguards for the information in the plan established  
99 pursuant to the state board rule promulgated pursuant to  
100 subsection (a) of this section. Upon request, a redacted copy  
101 of a school crisis response plan shall be made available for  
102 inspection by the public with any information removed that  
103 is necessary for compliance with the necessary safeguards.  
104 Starting with the 2012-2013 school year, each school shall  
105 annually send notice home to all parents and guardians of  
106 students at the school alerting the parents and guardians to  
107 the existence of the crisis response plan and the ability to  
108 review a redacted copy at the offices of the county board.

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

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

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

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

6 (b) Each school shall make and maintain annual atten-  
7 dance and disease immunization records for each pupil  
8 enrolled and regularly attending classes. The attendance  
9 records shall be made available to the parents or legal  
10 guardians;

11 (c) Upon the request of the county superintendent, a school  
12 (or a parents organization composed of the parents or  
13 guardians of children enrolled in the school) shall furnish to  
14 the county board a list of the names and addresses of all

15 children enrolled in the school between the ages of seven and  
16 sixteen years;

17 (d) Attendance by a child at any school which complies  
18 with this article satisfies the requirements of compulsory  
19 school attendance;

20 (e) Each school is subject to reasonable fire, health and  
21 safety inspections by state, county and municipal authorities  
22 as required by law, and is required to comply with the West  
23 Virginia school bus safety regulations; and

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

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

.....  
*Chairman Senate Committee*

.....  
*Chairman House Committee*

Originated in the Senate.

In effect ninety days from passage.

.....  
*Clerk of the Senate*

.....  
*Clerk of the House of Delegates*

.....  
*Acting President of the Senate*

.....  
*Speaker of the House of Delegates*

\_\_\_\_\_

The within ..... this the .....  
Day of ....., 2011.

.....  
*Governor*