

1 **ENROLLED**

2 **Committee Substitute**

3 **for**

4 **H. B. 4125**

5
6 (By Delegates M. Poling, Paxton, Perry, Moye and Fragale)

7 [Passed March 6, 2012; in effect ninety days from passage.]

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9
10 AN ACT to amend and reenact §18-9F-9 of the Code of West Virginia,
11 1931, as amended, relating to modifying when the requirement
12 for schools to annually send notices to parents and guardians
13 about the school's crisis response plan and their ability to
14 review a redacted copy becomes effective.

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

16 That §18-9F-9 of the Code of West Virginia, 1931, as amended,
17 be amended and reenacted to read as follows:

18 **ARTICLE 9F. SCHOOL ACCESS SAFETY ACT.**

19 **§18-9F-9. Crisis Response Plan.**

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

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

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

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

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

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

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

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

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

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

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

19 (4) The annual review and necessary update of the model plan
20 and uniform template by state board in conjunction with the
21 Division of Homeland Security and Emergency Management by December
22 31 of each year after 2011;

23 (5) The development by each school of a school specific crisis
24 response plan by using the state board's model plan as an example
25 and with consultation from local social services agencies, local

1 first response agencies including police, fire, emergency medical
2 services (EMS), emergency management and any other local entities
3 that the school's crisis response planning team determines should
4 be consulted;

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

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

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

24 (9) A model template for redacted copies of the school crisis
25 response plan for the public inspection and for the release and

1 notice to parents of information related to the plan; and

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

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