

1 **H. B. 4125**

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3 (By Delegates M. Poling, Paxton, Perry, Moye and Fragale)  
4 [Introduced January 19, 2012; referred to the  
5 Committee on Education.]  
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10 A BILL to amend and reenact §18-9F-9 of the Code of West Virginia,  
11 1931, as amended, relating to correcting date of beginning  
12 school year for schools to send notice to parents and  
13 guardians on crisis response plan and the ability to review  
14 redacted copy.

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

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

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

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

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

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

23 (D) Disaster and emergency procedures to respond to  
24 earthquakes, fire, flood, other natural disasters, explosions or

1 other events or conditions in which death or serious injury is  
2 likely;

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

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

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

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

21 (4) The annual review and necessary update of the model plan  
22 and uniform template by state board in conjunction with the  
23 Division of Homeland Security and Emergency Management by December  
24 31 of each year after 2011;

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

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

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

24           (8) Procedures for informing and training school personnel on

1 any actions required of them to effectuate the school's school  
2 specific crisis response plan;

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

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

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

NOTE: The purpose of this bill is to correct the date of the school year from 2012-2013 to 2013-14, for each school to begin sending an annual notice to the parents and guardians of students at the school alerting them to the existence of the school's crisis response plan and of their ability to review a redacted copy at the offices of the county board.

Strike-throughs indicate existing language that would be removed, and underscoring indicates new language that would be added.