

COMMITTEE SUBSTITUTE

FOR

**H. B. 4125**

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(BY DELEGATES M. POLING, PAXTON, PERRY,  
MOYE AND FRAGALE)

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(Originating in the Committee on Education)  
[January 26, 2012]

A BILL to amend and reenact §18-9F-9 of the Code of West Virginia, 1931, as amended, relating to synchronizing the requirement for schools to send notices to parents and guardians about the school's crisis response plan and their ability to review a redacted copy with the requirements for filing the plan with the county board.

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

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

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

**§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 this  
5 code, and if necessary may promulgate an emergency rule in  
6 accordance with said article, for the establishment of an up-  
7 to-date, school specific crisis response plan at every school  
8 in the state. In developing the rule, the state board shall  
9 consider plans currently being developed as part of the safe  
10 schools initiative currently underway by the School Building  
11 Authority and the Division of Homeland Security and  
12 Emergency Management. In addition, those portions of a  
13 school's access safety plan created pursuant to section three  
14 of this article may be used as a portion of the school's school  
15 specific crisis response plan if there are any overlapping  
16 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  
22 identified by the Division of Homeland Security and  
23 Emergency 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  
28 of 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 or  
32 other events or conditions in which death or serious injury is  
33 likely;

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

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

40 (2) A requirement that each school's school specific  
41 crisis response plan shall be in place and filed with that  
42 school's county board, and included in a secure electronic  
43 system identified by the Division of Homeland Security and  
44 Emergency Management, no later than August 1, 2013, or  
45 soon 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  
49 information, law enforcement sensitive information or for  
50 official use only. These safeguards must have the approval of  
51 the Division of Homeland Security and Emergency  
52 Management. County boards shall provide the same  
53 necessary safeguards for the 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 with

56 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  
66 necessary 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 the  
69 crisis response plan was necessary with its county board and  
70 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  
83 personnel on any actions required of them to effectuate the  
84 school's 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  
90 and update school crisis response plans consistent with  
91 subdivision (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 otherwise

94 provided for, provide a copy of each school's crisis response  
95 plan to each local emergency response agency that has a role  
96 in the plan. Local emergency response agencies that maintain  
97 a copy of the plan shall provide the necessary safeguards for  
98 the information in the plan established pursuant to the state  
99 board rule promulgated pursuant to subsection (a) of this  
100 section. Upon request, a redacted copy of a school crisis  
101 response plan shall be made available for inspection by the  
102 public with any information removed that is necessary for  
103 compliance with the necessary safeguards. ~~Starting with the~~  
104 ~~2012-2013 school year,~~ Following the filing of it's school  
105 specific crisis response plan with the county board pursuant to  
106 subdivision (2), subsection (a) of this section, each school shall  
107 annually send notice home to all parents and guardians of  
108 students at the school alerting the parents and guardians to the  
109 existence of the ~~crisis response~~ plan and the ability to review  
110 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.