

1 COMMITTEE SUBSTITUTE

2 FOR

3 **H. B. 2265**

4 (By Delegates Fleischauer, L. Phillips, D. Campbell, Poore,
5 Marshall and Barill)

6 (Originating in the Committee on Finance)

7 [March 29, 2013]

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9
10 A BILL to amend and reenact §18-9F-9 of the Code of West Virginia,
11 1931, as amended, relating to requiring that the state board
12 of education include, in the legislative rule on a model
13 school crisis plan that it promulgates, certain protocols for
14 responding to injuries and other medical emergencies on school
15 property after normal school hours be included in school
16 crisis response plans by certain date; and providing the
17 applicability and requirements of those protocols as they
18 apply to sports injuries.

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

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

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

23 **§18-9F-9. Crisis Response Plan.**

24 (a) The state board in conjunction with the Division of
25 Homeland Security and Emergency Management shall promulgate ~~by~~
26 ~~December 31, 2011,~~ a legislative rule in accordance with article

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

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

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

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

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

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

1 likely;

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

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

8 (G) By no later than August 1, 2014, protocols for responding
9 to injuries and other medical emergencies that occur on school
10 property after normal school hours, including sports injuries.
11 Protocols on sports injuries shall include both school-sponsored
12 sports events and community sports events. The sports injury
13 protocols shall include directives for personnel or equipment which
14 should be available, if needed, on sports fields or in school
15 buildings for both girls and boys teams as well as training needed
16 for school or volunteer personnel.

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

23 (3) The necessary safeguards to protect information contained
24 in each school specific crisis response plan that may be considered
25 protected critical infrastructure information, law enforcement
26 sensitive information or for official use only. These safeguards

1 must have the approval the Division of Homeland Security and
2 Emergency Management. County boards shall provide the same
3 necessary safeguards for the information in the plan;

4 (4) The annual review and necessary update of the model plan
5 and uniform template by state board in conjunction with the
6 Division of Homeland Security and Emergency Management by December
7 31 of each year after 2011;

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

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

22 (7) Procedures for each school within the state to form a
23 crisis response planning team, which team may consist of the
24 school's Local School Improvement Council or a separate team
25 consisting of the principal, two teachers, one service person and
26 two parents of children attending the school. In addition the

1 school may include on the team one member of the county board, a
2 school counselor, a member from local law-enforcement authorities,
3 the local county emergency services director and one student in
4 grade ten or higher if the school has those grades;

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

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

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

14 (b) The county board shall keep the current crisis response
15 plan of each school in the county on file and, unless otherwise
16 provided for, provide a copy of each school's crisis response plan
17 to each local emergency response agency that has a role in the
18 plan. Local emergency response agencies that maintain a copy of
19 the plan shall provide the necessary safeguards for the information
20 in the plan established pursuant to the state board rule
21 promulgated pursuant to subsection (a) of this section. Upon
22 request, a redacted copy of a school crisis response plan shall be
23 made available for inspection by the public with any information
24 removed that is necessary for compliance with the necessary
25 safeguards. Following the filing of its school specific crisis
26 response plan with the county board pursuant to subdivision (2),

1 subsection (a) of this section, each school shall annually send
2 notice home to all parents and guardians of students at the school
3 alerting the parents and guardians to the existence of the plan and
4 the ability to review a redacted copy at the offices of the county
5 board.