

# **WEST VIRGINIA LEGISLATURE**

## **2017 REGULAR SESSION**

**Introduced**

### **Senate Bill 40**

BY SENATORS STOLLINGS, OJEDA AND JEFFRIES

[Introduced February 8, 2017; referred  
to the Committee on Health and Human Resources; and  
then to the Committee on Education]

1 A BILL to amend and reenact §18-9F-9 of the Code of West Virginia, 1931, as amended, relating  
 2 to requiring that the State Board of Education include, in the legislative rule on a model  
 3 school crisis plan that it promulgates, certain protocols for responding to injuries and other  
 4 medical emergencies on school property after normal school hours in school crisis  
 5 response plans by certain date; and providing the applicability and requirements of those  
 6 protocols as they apply to sports injuries.

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

1 That §18-9F-9 of the Code of West Virginia, 1931, as amended, be amended and  
 2 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 Homeland Security and Emergency  
 2 Management shall promulgate ~~by December 31, 2014~~ a legislative rule in accordance with article  
 3 three-b, chapter twenty-nine-a of this code, ~~and if necessary may promulgate an emergency rule~~  
 4 ~~in accordance with said article~~ for the establishment of an up-to-date, school specific crisis  
 5 response plan at every school in the state. In developing the rule, the state board shall consider  
 6 plans currently being developed as part of the safe schools initiative currently underway by the  
 7 School Building Authority and the Division of Homeland Security and Emergency Management.  
 8 In addition, those portions of a school's access safety plan created pursuant to section three of  
 9 this article may be used as a portion of the school's school specific crisis response plan if there  
 10 are any overlapping requirements. The rule shall provide for at least the following:

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

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

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

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

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

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

23 (F) Policies and procedures for enforcing school discipline and maintaining a safe and  
24 orderly environment during the crisis; and

25 (G) By no later than August 1, 2017, protocols for responding to sports injuries that occur  
26 on school property after normal school hours during school sponsored sports events, including  
27 practices. The sports injury protocols shall include directives for personnel or equipment which  
28 should be available, if needed, on sports fields or in school buildings for both girls and boys teams  
29 as well as training needed for school or volunteer personnel.

30 A licensed health care professional who renders services of a medical nature to students  
31 under an agreement with a county board of education that defines the scope of his or her duties  
32 as such and for which no remuneration is demanded or received is not liable for any civil damages  
33 as a result of rendering such services, or as a result of any act or failure to act in providing or  
34 arranging further medical treatment, in accordance with acceptable standards of care, to an extent  
35 greater than the applicable limits of the professional liability insurance provided by the State Board  
36 of Risk and Insurance Management in effect at the time. Nothing in this subdivision nullifies the  
37 immunity from civil liability as granted pursuant to section fifteen, article seven, chapter fifty-five  
38 of this code or federal law except to the extent to which the actions are covered within the  
39 applicable limits of the professional liability insurance provided by the State Board of Risk and  
40 Insurance Management pursuant to this section and in effect at the time.

41 (2) A requirement that each school's school specific crisis response plan shall be in place

42 and filed with that school's county board, and included in a secure electronic system identified by  
43 the Division of Homeland Security and Emergency Management, no later than August 1, ~~2013~~  
44 2017, or soon after completion by the school, whichever occurs first;

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

50 (4) The annual review and necessary update of the model plan and uniform template by  
51 state board in conjunction with the Division of Homeland Security and Emergency Management  
52 by December 31 of each year after ~~2014~~ 2017;

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

58 (6) Procedures for the annual review and update if necessary by each school of its school  
59 specific crisis response planning plan. Each school shall file either an updated crisis response  
60 plan or a memorandum stating that no update to the crisis response plan was necessary with its  
61 county board and the Division of Homeland Security and Emergency Management no later than  
62 August 1 of each year after ~~2013~~ 2017;

63 (7) Procedures for each school within the state to form a crisis response planning team,  
64 which team may consist of the school's Local School Improvement Council or a separate team  
65 consisting of the principal, two teachers, one service person and two parents of children attending  
66 the school. In addition, the school may include on the team one member of the county board, a  
67 school counselor, a member from local law-enforcement authorities, the local county emergency

68 services director and one student in grade ten or higher if the school has those grades;

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

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

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

75 (b) The county board shall keep the current crisis response plan of each school in the  
76 county on file and, unless otherwise provided for, provide a copy of each school's crisis response  
77 plan to each local emergency response agency that has a role in the plan. Local emergency  
78 response agencies that maintain a copy of the plan shall provide the necessary safeguards for  
79 the information in the plan established pursuant to the state board rule promulgated pursuant to  
80 subsection (a) of this section. Upon request, a redacted copy of a school crisis response plan  
81 shall be made available for inspection by the public with any information removed that is  
82 necessary for compliance with the necessary safeguards. Following the filing of its school specific  
83 crisis response plan with the county board pursuant to subdivision (2), subsection (a) of this  
84 section, each school shall annually send notice home to all parents and guardians of students at  
85 the school alerting the parents and guardians to the existence of the plan and the ability to review  
86 a redacted copy at the offices of the county board.

NOTE: The purpose of this bill is to require protocols for responding to after-school injuries or emergencies to be included in school crisis response plans.

Strike-throughs indicate language that would be stricken from a heading or the present law, and underscoring indicates new language that would be added.