

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 592**

4 (By Senators Palumbo, Stollings, Plymale, Unger, Browning,
5 Minard, Foster, Wells, Fanning, Jenkins, Tucker and Kessler
6 (Acting President))

7 _____
8 [Originating in the Committee on Education;
9 reported February 24, 2011.]

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13 A BILL to amend and reenact §18-9F-1 of the Code of West Virginia,
14 1931, as amended; to amend said code by adding thereto a new
15 section, designated §18-9F-9; and to amend and reenact §18-28-
16 2 of said code, all relating to requiring that schools have
17 crisis response plans; updating legislative findings and
18 intent; requiring the state board in conjunction with the
19 Division of Homeland Security and Emergency Management to
20 develop a model school crisis response plan, to annually
21 review and, if necessary, update the model plan and to develop
22 certain necessary safeguards to protect certain information in
23 each response plan; requiring each school to form a crisis
24 response planning team; requiring annual review of each
25 school's crisis response plan and updating of plan if
26 necessary; requiring state board to promulgate rule setting

1 forth required inclusions for each plan; and making private,
2 parochial and religious schools subject to crisis response
3 plan requirements.

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

5 That §18-9F-1 of the Code of West Virginia, 1931, as amended,
6 be amended and reenacted; that said code be amended by adding
7 thereto a new section, designated §18-9F-9; and that §18-28-2 of
8 said code be amended and reenacted, all to read as follows:

9 **ARTICLE 9F. SCHOOL ACCESS SAFETY AND CRISIS RESPONSE ACT.**

10 **§18-9F-1. Legislative findings and intent.**

11 (a) The Legislature finds that:

12 (1) Establishing and maintaining safe and secure schools is
13 critical to fostering a healthy learning environment and maximizing
14 student achievement;

15 (2) All school facilities in the state should be designed,
16 constructed, furnished and maintained in a manner that enhances a
17 healthy learning environment and provides necessary safeguards for
18 the health, safety and security of persons who enter and use the
19 facilities;

20 (3) Adequate safeguards for the ingress to and egress from
21 school facilities of pupils, school employees, parents, visitors
22 and emergency personnel are critical to the overall safety of the
23 public schools in this state;

24 (4) Safety upgrades to the means of ingress to and egress from
25 school facilities for pupils, school employees, parents, visitors
26 and emergency personnel must be part of a comprehensive analysis of

1 overall school safety issues that takes into consideration the
2 input of local law-enforcement agencies, local emergency services
3 agencies, community leaders, parents, pupils, teachers,
4 administrators and other school employees interested in the
5 prevention of school crime and violence;

6 (5) In order to help ensure safety in all schools within the
7 state and to be prepared to adequately respond to potential crises,
8 including any traumatic event or emergency condition that creates
9 distress, hardship, fear or grief, each school must create a
10 comprehensive crisis response plan as detailed in section nine of
11 this article.

12 (b) It is the intent of the Legislature to empower the School
13 Building Authority to facilitate and provide state funds for the
14 design, construction, renovation, repair and upgrading of
15 facilities so as to enhance school access safety and provide secure
16 ingress to and egress from school facilities to pupils, school
17 employees, parents, visitors and emergency personnel.

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

19 (a) The state board in conjunction with the Division of
20 Homeland Security and Emergency Management shall develop a model
21 school crisis response plan for use by each school in the state and
22 shall develop necessary safeguards to protect information contained
23 in each response plan that may be considered protected critical
24 infrastructure information, law enforcement sensitive information
25 or for official use only. Both the model plan and the necessary
26 safeguards shall be developed by December 31, 2011. In developing

1 a model plan, the state board shall consider plans currently being
2 developed as part of the safe schools initiative currently underway
3 by the School Building Authority and the Division of Homeland
4 Security and Emergency Management. The state board in conjunction
5 with the Division of Homeland Security and Emergency Management
6 shall review the model plan each year and make any necessary
7 updates to the model plan by December 31 of each year after 2011.

8 (b) Each school within the state shall form a crisis response
9 planning team consisting of the principal, two teachers, one
10 service person and two parents of children attending the school.
11 The crisis response planning team may include one member of the
12 county board, a school counselor, a member from local law-
13 enforcement authorities, the local county emergency services
14 director and one student in grade ten or higher if the school has
15 those grades.

16 (c) Each school within the state, through the school's crisis
17 response planning team, shall develop a school specific crisis
18 response plan by using the state board's model plan as an example
19 and with consultation from local social services agencies, local
20 first response agencies including police, fire, emergency medical
21 services (EMS), emergency management and any other local entities
22 that the school's crisis response planning team determines should
23 be consulted: *Provided*, That a portion of any school access safety
24 plan created pursuant to section three of this article may be used
25 as a portion of the school specific crisis response plan if there
26 are any overlapping requirements.

1 (d) Each school's specific crisis response plan shall be in
2 place and filed with that school's county board and included in a
3 secure electronic system identified by the Division of Homeland
4 Security and Emergency management no later than August 1, 2013, or
5 soon after completion by the school, whichever occurs first.
6 County boards shall provide the same necessary safeguards developed
7 by the state board pursuant to subsection (a) of this section for
8 the information in the plan. Each school's crisis response
9 planning team shall annually review its crisis response plan and
10 shall update the plan according to procedures developed by the
11 state board and the Division of Homeland Security and Emergency
12 Management if necessary. Each school shall file either an updated
13 crisis response plan or a memorandum stating that no update to the
14 crisis response plan was necessary with its county board and the
15 Division of Homeland Security and Emergency Management no later
16 than August 1 of each year after 2013. The county board shall keep
17 the current crisis response plan of each school on file and provide
18 a copy of each school's crisis response plan to each local
19 emergency response agency that has a role in the plan. Local
20 emergency response agencies that maintain a copy of the plan shall
21 provide the same necessary safeguards developed by the state board
22 pursuant to subsection (a) of this section for the information in
23 the plan. Upon request, a redacted copy of a school crisis
24 response plan shall be made available for inspection by the public
25 with any information removed that is necessary for compliance with
26 the necessary safeguards developed by the state board pursuant to

1 subsection (a) of this section. Starting with the 2012-2013 school
2 year, each school shall annually send notice home to all parents
3 and guardians of students at the school alerting the parents and
4 guardians to the existence of the crisis response plan and the
5 ability to review a redacted copy at the offices of the county
6 board.

7 (e) No later than December 31, 2011, the state board in
8 consultation with the Division of Homeland Security and Emergency
9 Management shall promulgate rules in accordance with the provisions
10 of article three-b, chapter twenty-nine-a of this code regarding
11 the required inclusions for each school specific crisis plan. The
12 rule shall require that each plan include at least the following:

13 (1) The school employee in charge during a crisis and a
14 designated substitute;

15 (2) A communication plan to be used during a crisis;

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

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

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

26 (6) Policies for enforcing school discipline and maintaining

1 a safe and orderly environment during the crisis.

2 (f) The rule required by subsection (e) of this section also
3 shall include procedures for each school's crisis response planning
4 team to annually review its crisis response plan, and if necessary,
5 update the plan.

6 **ARTICLE 28. PRIVATE, PAROCHIAL OR CHURCH SCHOOLS OR SCHOOLS OF A**
7 **RELIGIOUS ORDER.**

8 **§18-28-2. Attendance; health and safety regulations.**

9 The following is applicable to each private, parochial or
10 church ~~school~~ schools or ~~school~~ schools of a religious order:

11 (a) Each school shall observe a minimum instructional term of
12 one hundred eighty days with an average of five hours of
13 instruction per day;

14 (b) Each school ~~and~~ shall make and maintain annual attendance
15 and disease immunization records for each pupil enrolled and
16 regularly attending classes. ~~Such~~ The attendance records shall be
17 made available to the parents or legal guardians;

18 (c) Upon the request of the county superintendent, ~~of schools~~
19 ~~any~~ a school ~~to which this applies~~ (or a parents organization
20 composed of the parents or guardians of children enrolled in ~~said~~
21 the school) shall furnish to the county board ~~of education~~ a list
22 of the names and addresses of all children enrolled in ~~such~~ the
23 school between the ages of seven and sixteen years;

24 (d) Attendance by a child at any school ~~to which this article~~
25 ~~relates~~ ~~and~~ which complies with this article ~~shall satisfy~~

1 satisfies the requirements of compulsory school attendance;

2 (e) Each ~~such~~ school ~~shall be~~ is subject to reasonable fire,
3 health and safety inspections by state, county and municipal
4 authorities as required by law, and ~~shall further be~~ is required to
5 comply with the West Virginia school bus safety regulations; and

6 (f) Each school shall create a crisis response plan, as
7 detailed in section nine, article nine-f of this chapter, and
8 follow all requirements of that section and any rules promulgated
9 under that section.