

COMMITTEE SUBSTITUTE

FOR

## **Senate Bill No. 592**

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

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[Originating in the Committee on Education;  
reported February 24, 2011.]

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A BILL to amend and reenact §18-9F-1 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §18-9F-9; and to amend and reenact §18-28-2 of said code, all relating to requiring that schools have crisis response plans; updating legislative findings and intent; requiring the state board in conjunction with the Division of Homeland Security and Emergency Management to develop a model school crisis response plan, to annually review and, if necessary, update the model plan and to develop certain necessary safeguards to protect certain

information in each response plan; requiring each school to form a crisis response planning team; requiring annual review of each school's crisis response plan and updating of plan if necessary; requiring state board to promulgate rule setting forth required inclusions for each plan; and making private, parochial and religious schools subject to crisis response plan requirements.

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

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

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

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

- 1 (a) The Legislature finds that:
- 2 (1) Establishing and maintaining safe and secure schools is
- 3 critical to fostering a healthy learning environment and
- 4 maximizing student achievement;
- 5 (2) All school facilities in the state should be designed,
- 6 constructed, furnished and maintained in a manner that
- 7 enhances a healthy learning environment and provides

8 necessary safeguards for the health, safety and security of  
9 persons who enter and use the facilities;

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

14 (4) Safety upgrades to the means of ingress to and egress  
15 from school facilities for pupils, school employees, parents,  
16 visitors and emergency personnel must be part of a compre-  
17 hensive analysis of overall school safety issues that takes into  
18 consideration the input of local law-enforcement agencies,  
19 local emergency services agencies, community leaders,  
20 parents, pupils, teachers, administrators and other school  
21 employees interested in the prevention of school crime and  
22 violence;

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

29 (b) It is the intent of the Legislature to empower the School  
30 Building Authority to facilitate and provide state funds for  
31 the design, construction, renovation, repair and upgrading of  
32 facilities so as to enhance school access safety and provide  
33 secure ingress to and egress from school facilities to pupils,  
34 school employees, parents, visitors and emergency personnel.

**§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 develop a model school crisis response plan for use by each  
4 school in the state and shall develop necessary safeguards to  
5 protect information contained in each response plan that  
6 may be considered protected critical infrastructure informa-  
7 tion, law enforcement sensitive information or for official use  
8 only. Both the model plan and the necessary safeguards shall  
9 be developed by December 31, 2011. In developing a model  
10 plan, the state board shall consider plans currently being  
11 developed as part of the safe schools initiative currently  
12 underway by the School Building Authority and the Division  
13 of Homeland Security and Emergency Management. The  
14 state board in conjunction with the Division of Homeland  
15 Security and Emergency Management shall review the model

16 plan each year and make any necessary updates to the model  
17 plan by December 31 of each year after 2011.

18 (b) Each school within the state shall form a crisis response  
19 planning team consisting of the principal, two teachers, one  
20 service person and two parents of children attending the  
21 school. The crisis response planning team may include one  
22 member of the county board, a school counselor, a member  
23 from local law-enforcement authorities, the local county  
24 emergency services director and one student in grade ten or  
25 higher if the school has those grades.

26 (c) Each school within the state, through the school's crisis  
27 response planning team, shall develop a school specific crisis  
28 response plan by using the state board's model plan as an  
29 example and with consultation from local social services  
30 agencies, local first response agencies including police, fire,  
31 emergency medical services (EMS), emergency management  
32 and any other local entities that the school's crisis response  
33 planning team determines should be consulted: *Provided,*  
34 That a portion of any school access safety plan created  
35 pursuant to section three of this article may be used as a  
36 portion of the school specific crisis response plan if there are  
37 any overlapping requirements.

38 (d) Each school's specific crisis response plan shall be in  
39 place and filed with that school's county board and included  
40 in a secure electronic system identified by the Division of  
41 Homeland Security and Emergency management no later  
42 than August 1, 2013, or soon after completion by the school,  
43 whichever occurs first. County boards shall provide the same  
44 necessary safeguards developed by the state board pursuant  
45 to subsection (a) of this section for the information in the  
46 plan. Each school's crisis response planning team shall  
47 annually review its crisis response plan and shall update the  
48 plan according to procedures developed by the state board  
49 and the Division of Homeland Security and Emergency  
50 Management if necessary. Each school shall file either an  
51 updated crisis response plan or a memorandum stating that  
52 no update to the crisis response plan was necessary with its  
53 county board and the Division of Homeland Security and  
54 Emergency Management no later than August 1 of each year  
55 after 2013. The county board shall keep the current crisis  
56 response plan of each school on file and provide a copy of  
57 each school's crisis response plan to each local emergency  
58 response agency that has a role in the plan. Local emergency  
59 response agencies that maintain a copy of the plan shall

60 provide the same necessary safeguards developed by the state  
61 board pursuant to subsection (a) of this section for the  
62 information in the plan. Upon request, a redacted copy of a  
63 school crisis response plan shall be made available for  
64 inspection by the public with any information removed that  
65 is necessary for compliance with the necessary safeguards  
66 developed by the state board pursuant to subsection (a) of  
67 this section. Starting with the 2012-2013 school year, each  
68 school shall annually send notice home to all parents and  
69 guardians of students at the school alerting the parents and  
70 guardians to the existence of the crisis response plan and the  
71 ability to review a redacted copy at the offices of the county  
72 board.

73 (e) No later than December 31, 2011, the state board in  
74 consultation with the Division of Homeland Security and  
75 Emergency Management shall promulgate rules in accor-  
76 dance with the provisions of article three-b, chapter twenty-  
77 nine-a of this code regarding the required inclusions for each  
78 school specific crisis plan. The rule shall require that each  
79 plan include at least the following:

80 (1) The school employee in charge during a crisis and a  
81 designated substitute;

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

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

86 (4) Disaster and emergency procedures to respond to  
87 earthquakes, fire, flood, other natural disasters, explosions  
88 or other events or conditions in which death or serious injury  
89 is likely;

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

93 (6) Policies for enforcing school discipline and maintaining  
94 a safe and orderly environment during the crisis.

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

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

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

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



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

6 (b) Each school ~~and~~ shall make and maintain annual  
7 attendance and disease immunization records for each pupil  
8 enrolled and regularly attending classes. ~~Such~~ The atten-  
9 dance records shall be made available to the parents or legal  
10 guardians;

11 (c) Upon the request of the county superintendent, ~~of~~  
12 ~~schools any a school to which this applies~~ (or a parents  
13 organization composed of the parents or guardians of  
14 children enrolled in ~~said~~ the school) shall furnish to the  
15 county board of education a list of the names and addresses  
16 of all children enrolled in ~~such~~ the school between the ages  
17 of seven and sixteen years;

18 (d) Attendance by a child at any school ~~to which this~~  
19 ~~article relates and~~ which complies with this article ~~shall~~  
20 ~~satisfy~~ satisfies the requirements of compulsory school  
21 attendance;

22 (e) Each ~~such~~ school ~~shall be~~ is subject to reasonable fire,  
23 health and safety inspections by state, county and municipal  
24 authorities as required by law, and ~~shall further be~~ is

25 required to comply with the West Virginia school bus safety  
26 regulations; and

27 (f) Each school shall create a crisis response plan, as  
28 detailed in section nine, article nine-f of this chapter, and  
29 follow all requirements of that section and any rules promul-  
30 gated under that section.