

1 **H. B. 4625**

2
3 (By Delegates Fleischauer, L. Phillips, Brown,
4 Border, Lawrence, D. Campbell, Poore, Hatfield,
5 Marshall, Barill and M. Poling)

6 [Introduced February 20, 2012; referred to the
7 Committee on Education and Finance.]

**FISCAL
NOTE**

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9
10 A BILL to amend and reenact §18-9F-1 of the Code of West Virginia,
11 1931, as amended; and to amend and reenact §18-28-2 of said
12 code, all relating to the school access safety act; private,
13 parochial or church schools, or schools of a religious order;
14 and requiring that protocols for sports injuries be developed
15 both for school-sponsored sports events and community sports
16 events.

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

18 That §18-9F-1 of the Code of West Virginia, 1931, as amended,
19 be amended and reenacted; and that §18-28-2 of said code be amended
20 and reenacted, all to read as follows:

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

22 **§18-9F-1. Legislative findings and intent.**

23 (a) The Legislature finds that:

24 (1) Establishing and maintaining safe and secure schools is

1 critical to fostering a healthy learning environment and maximizing
2 student achievement;

3 (2) All school facilities in the state should be designed,
4 constructed, furnished and maintained in a manner that enhances a
5 healthy learning environment and provides necessary safeguards for
6 the health, safety and security of persons who enter and use the
7 facilities;

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

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

20 (5) In order to help ensure safety in all schools within the
21 state and to be prepared to adequately respond to potential crises,
22 including any traumatic event or emergency condition that creates
23 distress, hardship, fear or grief, each school must have an up-to-
24 date comprehensive crisis response plan as detailed in section nine

1 of this article.

2 (b) It is the intent of the Legislature to empower the School
3 Building Authority to facilitate and provide state funds for the
4 design, construction, renovation, repair and upgrading of
5 facilities so as to enhance school access safety and provide secure
6 ingress to and egress from school facilities to pupils, school
7 employees, parents, visitors and emergency personnel.

8 (c) The state board shall promulgate a legislative rule, and
9 if necessary may promulgate an emergency rule, in accordance with
10 the provisions of article three-b, chapter twenty-nine-a of this
11 code, incorporating protocols for sports injuries that occur on
12 school property into the uniform template provided in this section.
13 Protocols on sports injuries shall be developed both for school-
14 sponsored sports events and community sports events. The sports
15 injury protocols shall include directives for personnel or
16 equipment which should be available, if needed, on sports fields or
17 in school buildings for both girls and boys teams as well as
18 training needed for school or volunteer personnel. Each school
19 shall include sports injury protocols in its crisis response plan
20 filed with that school's county board no later than August 1, 2013,
21 and in each crisis response plan.

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

24 **§18-28-2. Attendance; health and safety regulations.**

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

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

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

10 (c) Upon the request of the county superintendent, a school
11 (or a parents organization composed of the parents or guardians of
12 children enrolled in the school) shall furnish to the county board
13 a list of the names and addresses of all children enrolled in the
14 school between the ages of seven and sixteen years;

15 (d) Attendance by a child at any school which complies with
16 this article satisfies the requirements of compulsory school
17 attendance;

18 (e) Each school is subject to reasonable fire, health and
19 safety inspections by state, county and municipal authorities as
20 required by law, and is required to comply with the West Virginia
21 school bus safety regulations; and

22 (f) Each school shall establish, file and update a school
23 specific crisis response plan which complies with the requirements
24 established for it by the state board and the Division of Homeland

1 Security and Emergency Management pursuant to section nine, article
2 nine-f of this chapter. Each school's crisis response plan shall
3 include protocols for sports injuries consistent with the
4 provisions of section nine, article nine of this chapter.

NOTE: The purpose of this bill is to require that protocols for sports injuries be developed both for school-sponsored sports events and community sports events.

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