

# WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2012



# ENROLLED

COMMITTEE SUBSTITUTE

FOR

**House Bill No. 4125**

(By Delegates M. Poling, Paxton,  
Perry, Moye and Fragale)



Passed March 6, 2012

To Take Effect Ninety Days From Passage

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## H. B. 4125

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(BY DELEGATES M. POLING, PAXTON,  
PERRY, MOYE AND FRAGALE)

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[Passed March 6, 2012; to take effect ninety days from passage.]

AN ACT to amend and reenact §18-9F-9 of the Code of West Virginia, 1931, as amended, relating to modifying when the requirement for schools to annually send notices to parents and guardians about the school's crisis response plan and their ability to review a redacted copy becomes effective.

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

That §18-9F-9 of the Code of West Virginia, 1931, as amended, be amended and 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
- 2 Homeland Security and Emergency Management shall
- 3 promulgate by December 31, 2011, a legislative rule in
- 4 accordance with article three-b, chapter twenty-nine-a of this

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

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

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

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

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

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

34 (E) Crisis procedures for safe entrance to and exit from  
35 the school by students, parents, and employees, including an  
36 evacuation and lock down plan; and

37 (F) Policies and procedures for enforcing school  
38 discipline and maintaining a safe and orderly environment  
39 during the crisis.

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

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

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

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

65 (6) Procedures for the annual review and update if  
66 necessary by each school of its school specific crisis response  
67 planning plan. Each school shall file either an updated crisis  
68 response plan or a memorandum stating that no update to the  
69 crisis response plan was necessary with its county board and  
70 the Division of Homeland Security and Emergency  
71 Management no later than August 1 of each year after 2013.

72 (7) Procedures for each school within the state to form a  
73 crisis response planning team, which team may consist of the  
74 school's Local School Improvement Council or a separate  
75 team consisting of the principal, two teachers, one service  
76 person and two parents of children attending the school. In  
77 addition the school may include on the team one member of  
78 the county board, a school counselor, a member from local  
79 law-enforcement authorities, the local county emergency  
80 services director and one student in grade ten or higher if the  
81 school has those grades;

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

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

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

92 (b) The county board shall keep the current crisis  
93 response plan of each school in the county on file and, unless  
94 otherwise provided for, provide a copy of each school's crisis  
95 response plan to each local emergency response agency that

96 has a role in the plan. Local emergency response agencies  
97 that maintain a copy of the plan shall provide the necessary  
98 safeguards for the information in the plan established  
99 pursuant to the state board rule promulgated pursuant to  
100 subsection (a) of this section. Upon request, a redacted copy  
101 of a school crisis response plan shall be made available for  
102 inspection by the public with any information removed that  
103 is necessary for compliance with the necessary safeguards.  
104 Following the filing of it's school specific crisis response  
105 plan with the county board pursuant to subdivision (2),  
106 subsection (a) of this section, each school shall annually send  
107 notice home to all parents and guardians of students at the  
108 school alerting the parents and guardians to the existence of  
109 the plan and the ability to review a redacted copy at the  
110 offices of the county board.



The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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*Chairman, House Committee*

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*Chairman, Senate Committee*

Originating in the House.

To take effect ninety days from passage.

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*Clerk of the House of Delegates*

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*Clerk of the Senate*

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*Speaker of the House of Delegates*

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*President of the Senate*

The within \_\_\_\_\_ this the \_\_\_\_\_  
day of \_\_\_\_\_, 2012.

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*Governor*