

COMMITTEE SUBSTITUTE

FOR

**H. B. 2265**

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POORE, MARSHALL AND BARILL)

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(Originating in the Committee on Finance)

[March 29, 2013]

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

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

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

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

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

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

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

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

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

39 (G) By no later than August 1, 2014, protocols for  
40 responding to injuries and other medical emergencies that occur  
41 on school property after normal school hours, including sports  
42 injuries. Protocols on sports injuries shall include both school-  
43 sponsored sports events and community sports events. The sports  
44 injury protocols shall include directives for personnel or  
45 equipment which should be available, if needed, on sports fields  
46 or in school buildings for both girls and boys teams as well as  
47 training needed for school or volunteer personnel.

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

54 (3) The necessary safeguards to protect information  
55 contained in each school specific crisis response plan that may

56 be considered protected critical infrastructure information, law  
57 enforcement sensitive information or for official use only. These  
58 safeguards must have the approval the Division of Homeland  
59 Security and Emergency Management. County boards shall  
60 provide the same necessary safeguards for the information in the  
61 plan;

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

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

73 (6) Procedures for the annual review and update if necessary  
74 by each school of its school specific crisis response planning  
75 plan. Each school shall file either an updated crisis response plan

76 or a memorandum stating that no update to the crisis response  
77 plan was necessary with its county board and the Division of  
78 Homeland Security and Emergency Management no later than  
79 August 1 of each year after 2013.

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

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

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

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

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

