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
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.


1 (a) The state board in conjunction with the Division of Homeland Security and Emergency Management shall promulgate by December 31, 2011, a legislative rule in accordance with article three-b, chapter twenty-nine-a of this
code, and if necessary may promulgate an emergency rule in
accordance with said article, for the establishment of an up-
to-date, school specific crisis response plan at every school in
the state. In developing the rule, the state board shall
consider plans currently being developed as part of the safe
schools initiative currently underway by the School Building
Authority and the Division of Homeland Security and
Emergency Management. In addition, those portions of a
school’s access safety plan created pursuant to section three
of this article may be used as a portion of the school’s
specific crisis response plan if there are any overlapping
requirements. The rule shall provide for at least the
following:

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

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

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

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

(D) Disaster and emergency procedures to respond to
earthquakes, fire, flood, other natural disasters, explosions or
other events or conditions in which death or serious injury is
likely;
(E) Crisis procedures for safe entrance to and exit from
the school by students, parents, and employees, including an
 evacuation and lock down plan; and

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

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

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

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

(5) The development by each school of a school specific
crisis response plan by using the state board’s model plan as
an example and with consultation from local social services
agencies, local first response agencies including police, fire,
emergency medical services (EMS), emergency management
and any other local entities that the school’s crisis response
planning team determines should be consulted;
(6) Procedures for the annual review and update if necessary by each school of its school specific crisis response planning plan. Each school shall file either an updated crisis response plan or a memorandum stating that no update to the crisis response plan was necessary with its county board and the Division of Homeland Security and Emergency Management no later than August 1 of each year after 2013.

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

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

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

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

(b) The county board shall keep the current crisis response plan of each school in the county on file and, unless otherwise provided for, provide a copy of each school’s crisis response plan to each local emergency response agency that
has a role in the plan. Local emergency response agencies
that maintain a copy of the plan shall provide the necessary
safeguards for the information in the plan established
pursuant to the state board rule promulgated pursuant to
subsection (a) of this section. Upon request, a redacted copy
of a school crisis response plan shall be made available for
inspection by the public with any information removed that
is necessary for compliance with the necessary safeguards.
Following the filing of the school specific crisis response
plan with the county board pursuant to subdivision (2),
subsection (a) of this section, each school shall annually send
notice home to all parents and guardians of students at the
school alerting the parents and guardians to the existence of
the plan and the ability to review a redacted copy at the
offices of the county board.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman, House Committee

Chairman, Senate Committee

Originating in the House.

To take effect ninety days from passage.

Clerk of the House of Delegates

Clerk of the Senate

Speaker of the House of Delegates

President of the Senate

The within _______ was approved this the ______ day of ______, 2012.

Governor
PRESENTED TO THE GOVERNOR

March 12, 2012

Time 10:25 a.m.