

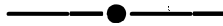
FILED

2012 MAR 15 PM 3:30

WEST
OFFICE VIRGINIA
SECRETARY OF STATE

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

HB 4125

ENROLLED

FILED

2012 MAR 15 PM 3:31

COMMITTEE SUBSTITUTE

FOR

OFFICE WEST VIRGINIA
SECRETARY OF STATE

H. B. 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.

§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

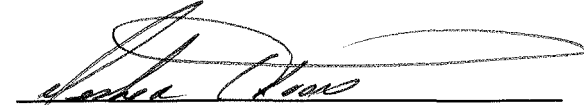
89 (10) Procedures for non public schools to establish, file
90 and update school crisis response plans consistent with
91 subdivision (1) subsection (a) of this section.

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

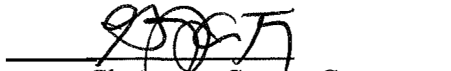
96 has a role in the plan. Local emergency response agencies
97 that maintain a copy of the plan shall provide the necessary
98 safeguards for the information in the plan established
99 pursuant to the state board rule promulgated pursuant to
100 subsection (a) of this section. Upon request, a redacted 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 ~~the~~^{the} 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.

ok
Gregory M. Lee
Chair of the Home
3/15/12

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



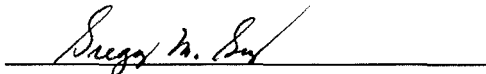
Chairman, House Committee



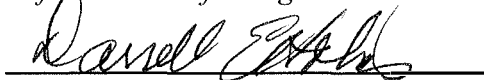
Chairman, Senate Committee

Originating in the House.

To take effect ninety days from passage.



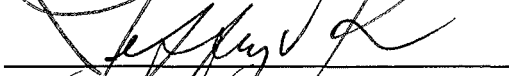
Clerk of the House of Delegates



Clerk of the Senate



Speaker of the House of Delegates



President of the Senate

The within is approved this the 15th
day of March, 2012.



Governor

FILED
2012 MAR 15 PM 3:31
OFFICE WEST VIRGINIA
SECRETARY OF STATE

PRESENTED TO THE GOVERNOR

MAR 12 2012

Time 10:25 am