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SENATE BILL NO. 1022

Offered January 10, 2001

Prefiled January 9, 2001

A BILL to amend and reenact §§ 22.1-278.1, 23-9.6:1, and 44-146.18 the Code of Virginia, and to amend the Code of Virginia by adding a section numbered 22.1-137.1, relating to school and institutional crisis and emergency management plans.

Patron—Houck

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-278.1, 23-9.6:1, and 44-146.18 of the Code of Virginia are amended and reenacted, and that the Code of Virginia is amended by adding a section numbered 22.1-137.1 as follows:

§ 22.1-137.1. *Tornado drills.*

In every public school there shall be at least one tornado drill each month during the months of March and April every school year, in order that students may be thoroughly practiced in such drills.

§ 22.1-278.1. School safety audits and school crisis and emergency management plans required.

A. For the purposes of this section, unless the context requires otherwise:

"School crisis and emergency management plan" means the essential procedures, operations, and assignments required to prevent, manage, and respond to a critical event or emergency, including natural disasters involving fire, flood, *tornados*, or *other* severe weather; loss or disruption of power, water, communications or shelter; bus or other accidents; medical emergencies; student or staff member deaths; explosions; bomb threats; gun, knife or other weapons threats; spills or exposures to hazardous substances; the presence of unauthorized persons or trespassers; the loss, disappearance or kidnapping of a student; hostage situations; violence on school property or at school activities; and other incidents posing a serious threat of harm to students, personnel, or facilities.

"School safety audit" means a written assessment of the safety conditions in each public school to (i) identify and, if necessary, develop solutions for physical safety concerns, including building security issues and (ii) identify and evaluate any patterns of student safety concerns occurring on school property or at school-sponsored events. Solutions and responses may include recommendations for structural adjustments, changes in school safety procedures, and revisions to the school board's standards for student conduct.

B. The Superintendent of Public Instruction shall develop a list of items to be reviewed and evaluated in the school safety audits required by this section. Each local school board shall require all schools under its supervisory control to conduct school safety audits as defined in this section and consistent with such list. Each school shall maintain a copy of the school safety audit within the office of the school principal and shall make a copy of such report available for review upon written request.

C. The school board may establish a school safety audit committee to consist of representatives of parents, teachers, local law-enforcement agencies, judicial and public safety personnel, and the community-at-large. The school safety audit committee shall evaluate, in accordance with the directions of the local school board, the safety of each school and submit a plan for improving school safety at a public meeting of the local school board.

D. Each school board shall ensure that every school that it supervises shall develop a written school crisis and emergency management plan, consistent with the definition provided in this section. The Department of Education shall provide technical assistance to the school divisions of the Commonwealth in the development of the school crisis and emergency management plans.

Upon consultation with local school boards, ~~and~~ division superintendents, *and the Coordinator of Emergency Management*, the Board of Education shall develop, and may revise as it deems necessary, a model school crisis and emergency management plan for the purpose of assisting the public schools in Virginia in developing viable, effective crisis and emergency management plans.

§ 23-9.6:1. Duties of Council generally.

In addition to such other duties as may be prescribed elsewhere, the State Council of Higher Education shall have the duty, responsibility and authority:

1. To prepare plans under which the several state-supported institutions of higher education of Virginia shall constitute a coordinating system. In developing such plans, the Council shall consider the future needs for higher education in Virginia at both the undergraduate and the graduate levels, as well as the mission, programs, facilities and location of each of the existing institutions of higher education, and such other matters as the Council deems appropriate. The Council shall revise such plans biennially

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59 in each odd-numbered year and shall submit within the time prescribed by § 2.1-394 the plans as revised
60 to the Governor and the General Assembly together with such recommendations as are necessary for
61 their implementation.

62 2. To review and approve or disapprove any proposed change in the statement of mission of any
63 presently existing public institution of higher education and to define the mission of all public
64 institutions of higher education created after the effective date of this provision. The Council shall,
65 within the time prescribed in subdivision 1 of this section, make a report to the Governor and the
66 General Assembly with respect to its actions hereunder. No such actions shall become effective until
67 thirty days after adjournment of the session of the General Assembly next following the filing of such a
68 report. Nothing contained in this provision shall be construed to authorize the Council to modify any
69 mission statement adopted by the General Assembly, nor to empower the Council to affect, either
70 directly or indirectly, the selection of faculty or the standards and criteria for admission of any public
71 institution, whether related to academic standards, residence or other criteria; it being the intention of
72 this section that faculty selection and student admission policies shall remain a function of the individual
73 institutions.

74 3. To study any proposed escalation of any public institution to a degree-granting level higher than
75 that level to which it is presently restricted and to submit a report and recommendation to the Governor
76 and the General Assembly relating to the proposal. The study shall include the need for and benefits or
77 detriments to be derived from the escalation. No such institution shall implement any such proposed
78 escalation until the Council's report and recommendation have been submitted to the General Assembly
79 and the General Assembly approves the institution's proposal.

80 4. To review and approve or disapprove all enrollment projections proposed by each public
81 institution of higher education. The Council's projections shall be in numerical terms by level of
82 enrollment and shall be used for budgetary and fiscal planning purposes only. The student admissions
83 policies for the institutions and their specific programs shall remain the sole responsibility of the
84 individual boards of visitors.

85 5. To review and approve or disapprove all new academic programs which any public institution of
86 higher education proposes. As used herein, "academic programs" include both undergraduate and
87 graduate programs.

88 6. To review and require the discontinuance of any academic program which is presently offered by
89 any public institution of higher education when the Council determines that such academic program is
90 (i) nonproductive in terms of the number of degrees granted, the number of students served by the
91 program, the program's effectiveness, and budgetary considerations, or (ii) supported by state funds and
92 is unnecessarily duplicative of academic programs offered at other public institutions of higher education
93 in the Commonwealth. As used herein, "academic programs" includes both undergraduate and graduate
94 programs. The Council shall make a report to the Governor and the General Assembly with respect to
95 the discontinuance of any academic program. No such discontinuance shall become effective until thirty
96 days after the adjournment of the session of the General Assembly next following the filing of such
97 report.

98 7. To review and approve or disapprove the creation and establishment of any department, school,
99 college, branch, division or extension of any public institution of higher education which such institution
100 proposes to create and establish. This duty and responsibility shall be applicable to the proposed creation
101 and establishment of departments, schools, colleges, branches, divisions and extensions, whether located
102 on or off the main campus of the institution in question. If any organizational change is determined by
103 the Council to be proposed solely for the purpose of internal management and the institution's curricular
104 offerings remain constant, the Council shall approve the proposed change. Nothing in this provision shall
105 be construed to authorize the Council to disapprove the creation and establishment of any department,
106 school, college, branch, division or extension of any institution which has been created and established
107 by the General Assembly.

108 8. To develop a uniform, comprehensive data information system designed to gather all information
109 necessary to the performance of the Council's duties. The system shall include information on
110 admissions, enrollments, self-identified students with documented disabilities, personnel, programs,
111 financing, space inventory, facilities and such other areas as the Council deems appropriate.

112 9. To develop in cooperation with institutions of higher education guidelines for the assessment of
113 student achievement. An institution shall use an approved program which complies with the guidelines
114 of the Council and is consistent with the institution's mission and educational objectives in the
115 development of such assessment. The Council shall report the institutions' assessments of student
116 achievement in the biennial revisions to the state's master plan for higher education.

117 10. To develop in cooperation with the appropriate state financial and accounting officials and to
118 establish uniform standards and systems of accounting, record keeping and statistical reporting for the
119 public institutions of higher education.

120 11. To review biennially and approve or disapprove all changes in the inventory of educational and

121 general space which any public institution of higher education may propose, and to make a report to the
122 Governor and the General Assembly with respect thereto. No such change shall be made until thirty
123 days after the adjournment of the session of the General Assembly next following the filing of such
124 report.

125 12. To visit and study the operations of each of the public institutions of higher education at such
126 times as the Council shall deem appropriate and to conduct such other studies in the field of higher
127 education as the Council deems appropriate or as may be requested by the Governor or the General
128 Assembly.

129 13. To provide advisory services to private, accredited and nonprofit institutions of higher education,
130 whose primary purpose is to provide collegiate or graduate education and not to provide religious
131 training or theological education, on academic, administrative, financial and space utilization matters.
132 The Council may also review and advise on joint activities, including contracts for services between
133 such public and private institutions of higher education or between such private institutions and any
134 agency of the Commonwealth or political subdivision thereof.

135 14. To adopt such rules and regulations as the Council believes necessary to implement all of the
136 Council's duties and responsibilities as set forth in this Code. The various public institutions of higher
137 education shall comply with such rules and regulations.

138 15. To issue guidelines consistent with the provisions of the federal Family Education Rights and
139 Privacy Act (FERPA), 20 U.S.C. § 1232g requiring public institutions of higher education to release a
140 student's academic and disciplinary record to a student's parent.

141 16. *To develop and revise, as it deems necessary, in consultation with the Coordinator of Emergency*
142 *Management, a model institutional crisis and emergency management plan for the purpose of assisting*
143 *public and private two-year and four-year institutions of higher education in establishing, operating, and*
144 *maintaining emergency services and disaster preparedness activities.*

145 In carrying out its duties and responsibilities, the Council, insofar as practicable, shall preserve the
146 individuality, traditions and sense of responsibility of the respective institutions. The Council, insofar as
147 practicable, shall seek the assistance and advice of the respective institutions in fulfilling all of its duties
148 and responsibilities.

149 § 44-146.18. Department of Emergency Services continued as Department of Emergency
150 Management; administration and operational control; coordinator and other personnel; powers and duties.

151 (a) The State Office of Emergency Services is continued and shall hereafter be known as the
152 Department of Emergency Management. Wherever the words "State Department of Emergency Services"
153 are used in any law of this Commonwealth, they shall mean the Department of Emergency Management.
154 During a declared emergency this Department shall revert to the operational control of the Governor.
155 The Department shall have a coordinator who shall be appointed by and serve at the pleasure of the
156 Governor and also serve as State Emergency Planning Director. The Department shall employ the
157 professional, technical, secretarial, and clerical employees necessary for the performance of its functions.

158 (b) The State Department of Emergency Management shall in the administration of emergency
159 services and disaster preparedness programs:

160 (1) Promulgate plans and programs which are conducive to adequate disaster mitigation preparedness,
161 response and recovery programs;

162 (2) Prepare and maintain a State Emergency Operations Plan for disaster response and recovery
163 operations that assigns primary and support responsibilities for basic emergency services functions to
164 state agencies, organizations and personnel as appropriate;

165 (3) Coordinate and administer disaster mitigation, preparedness, response and recovery plans and
166 programs with the proponent federal, state and local government agencies and related groups;

167 (4) Provide guidance and assistance to state agencies and units of local government in developing
168 and maintaining emergency management programs, plans and systems;

169 (5) Make necessary recommendations to agencies of the federal, state, or local governments on
170 preventive and preparedness measures designed to eliminate or reduce disasters and their impact;

171 (6) Determine requirements of the Commonwealth and its political subdivisions for those necessities
172 needed in the event of a declared emergency which are not otherwise readily available;

173 (7) Assist state agencies and political subdivisions in establishing and operating training programs
174 and programs of public information and education regarding emergency services and disaster
175 preparedness activities;

176 (8) *Consult with the Board of Education regarding the development and revision of a model school*
177 *crisis and emergency management plan for the purpose of assisting public schools in establishing,*
178 *operating, and maintaining emergency services and disaster preparedness activities;*

179 (9) *Consult with the State Council of Higher Education in the development and revision of a model*
180 *institutional crisis and emergency management plan for the purpose of assisting public and private*
181 *two-year and four-year institutions of higher education in establishing, operating, and maintaining*

182 *emergency services and disaster preparedness activities;*

183 ~~(8)~~ (10) Develop standards, provide guidance and encourage the maintenance of local and state
184 agency emergency operations plans;

185 ~~(9)~~ (11) Prepare, maintain, coordinate or implement emergency resource management plans and
186 programs with federal, state and local government agencies and related groups, and make such surveys
187 of industries, resources, and facilities within the Commonwealth, both public and private, as are
188 necessary to carry out the purposes of this chapter;

189 ~~(10)~~ (12) Coordinate with the federal government and any public or private agency or entity in
190 achieving any purpose of this chapter and in implementing programs for disaster prevention, mitigation,
191 preparation, response, and recovery; and

192 ~~(11)~~ (13) Establish guidelines pursuant to § 44-146.28, and administer payments to eligible applicants
193 as authorized by the Governor.

194 (c) The State Department of Emergency Management shall during a period of declared emergency be
195 responsible for:

196 (1) The receipt, evaluation, and dissemination of intelligence pertaining to an impending or actual
197 disaster;

198 (2) Providing facilities from which state agencies and supporting organizations may conduct
199 emergency operations;

200 (3) Providing an adequate communications and warning system capable of notifying all political
201 subdivisions in the Commonwealth of an impending disaster within a reasonable time;

202 (4) Establishing and maintaining liaison with affected political subdivisions;

203 (5) Determining requirements for disaster relief and recovery assistance;

204 (6) Coordinating disaster response actions of federal, state and volunteer relief agencies;

205 (7) Coordinating and providing guidance and assistance to affected political subdivisions to ensure
206 orderly and timely response to and recovery from disaster effects.

207 (d) The State Department of Emergency Management shall be provided the necessary facilities and
208 equipment needed to perform its normal day-to-day activities and coordinate disaster-related activities of
209 the various federal, state, and other agencies during a state of emergency declaration by the Governor or
210 following a major disaster declaration by the President.

211 (e) The State Department of Emergency Management is authorized to enter into all contracts and
212 agreements necessary or incidental to performance of any of its duties stated in this section or otherwise
213 assigned to it by law, including contracts with the United States, other states, agencies and government
214 subdivisions of the Commonwealth, and other appropriate public and private entities.