

**WEST VIRGINIA
SECRETARY OF STATE
BETTY IRELAND
ADMINISTRATIVE LAW DIVISION**

Form #3

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE
AND
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

AGENCY: School Building Authority of WV TITLE NUMBER: 164

CITE AUTHORITY: §18-9D-20

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 7

TITLE OF RULE BEING PROPOSED: School Access Safety Act Guidelines and Procedures

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE FOR THEIR REVIEW.


Authorized Signature

Details regarding changes to this rule as a result of the comments received during the comment period.

The School Building Authority received comments from two individuals regarding the School Access Safety Guidelines and Procedure rule. This rule was filed for public comment beginning April 24, 2007 and ending May 24, 2007. The SBA staff reviewed the comments and incorporated them as necessary. Some of the amendments to the Emergency Rule are as follows:

- 1) In the comments from Sergeant Stonestreet, he recommended that instead of simply saying law enforcement, that we specify the WV State Police to keep them informed on the most up-to-date information regarding school access safety.
- 2) In the comments from Mr. Bill Elswick, he also requested that we specify the WV State Police. He also requested the WV Department of Education's Office of School Facilities be included in the agencies to be copied on certain school access safety information to be provided by the counties.
- 3) We received a request from the Governor's office to incorporate a request for information to be provided which describes the county's school bully policy.
- 4) After a final review of this rule was conducted by SBA staff, it was determined that we should incorporate language which states that professional architectural or engineering service may be required when substantial building alterations are planned to improve the school access safety.

Appendix K

School Access Safety Plan

General

The Governor has introduced legislation that will create a School Access Safety Fund that will be managed by the School Building Authority of West Virginia (SBA). This new legislation will provide funding for School Access Safety Improvements for schools in West Virginia. To qualify for School Access Safety Funding, each county board of education shall develop a School Access Safety Plan. The plan must be incorporated into the county CEFP. An approved School Access Safety Plan is required prior to the distribution of state funds for a project pursuant to the requirement of West Virginia Code Chapter 18-9F.

The School Access Safety Plan shall be prepared in consultation with the Countywide Council on Productive and Safe Schools. Once completed, the School Access Safety Plan shall be submitted to the School Building Authority for review and approval in order to qualify for School Access Safety funding. The plan shall be amended annually to summarize activities and to identify progress being made on projects in the plan. The School Access Safety Plan shall become part of the county comprehensive educational facilities plan and together address the safety upgrading of existing facilities and equipment, building systems, utilities and other similar items in connection with improving the overall access safety and security of the facility. Projects must directly address planning, deterrence, detection, delay and communication issues associated with the ingress and egress of pupils, school employees, parents, visitors and emergency personnel at the schools.

A School Access Safety Audit will be performed and become an integral part of the plan. The SBA approved audit format must be used. The audit must be performed prior to formulating the School Access Safety Plan to establish a basis for current conditions and formulation of the plan. In so doing, both short and long term effects of building access safety improvements will be considered.

School Access Safety funding shall be provided by the Authority on the basis of net enrollment and the efficient use of state funds for school access safety improvement projects. In order to secure School Access Safety funding, an amount equal to or exceeding 15% of the funding available to the county as a local match will be required. Should a county board feel it cannot fulfill the 15% local match requirement, the county board of education may submit a financial hardship waiver request to the Department of Education for review and consideration. Upon review and approval of the request by the State Board of Education, the Authority shall waive the local match requirement and distribute the funding upon approval of the School Access Safety project by the Authority.

Each county board will be notified on or before May 1 of each year as to the availability of School Access Safety funds. With this notification, the amount of funding and timeline for project submission will be provided. A county board of education may

use up to twenty percent (20%) of the allotted Safe and Drug Free Schools (Title IV) funds as part of the 15% required local matching funds. Additional Title IV funding may be used to provide training for staff and students as outlined in the Title IV Section of the County Five Year Strategic Plan and approved by the West Virginia Department of Education.

All projects submitted to the Authority for funding consideration must be compatible with the county Comprehensive Educational Facilities Plan goals and objectives as well as the overall goals of the Authority and the School Access Safety Plan.

Funding will **NOT** be distributed to any county board that does not have an approved School Access Safety Plan, does not have the 15% matching funds available and is not prepared to commence expenditure of funds during the fiscal year in which the moneys are distributed. If a hardship waiver is approved, the 15% matching funds will not be required.

Grant funds allocated to a county board and not distributed shall be available for a period of one year. To encourage county boards to proceed promptly with School Access Safety Planning and the expenditure of School Access Safety funding, the SBA will require that approved grant funds be expended within one year of the allocation. Should extenuating circumstances exist, as determined by the SBA, that would prevent the county board from expending the funding within the one year, the SBA may authorize an extension beyond the one year for a period not to exceed six months. Any funds forfeited shall be added to the total funds available for all counties in the School Access Safety Fund of the Authority for future allocation and distribution.

I. SCHOOL ACCESS SAFETY PLAN

The School Access Safety Plan shall include the recommendations and guidelines developed by the Countywide Council along with the county board's assessment of the improvements necessary to improve school access safety. The plan shall address the access safety needs of all school facilities and include a projected school access safety repair and renovation schedule. The plan must be approved by the SBA prior to the distribution of state funds. The plan shall minimally include the key elements referenced in Item I, A-J. Initially, the School Access Safety Plan must be submitted to the SBA for review and approval prior to submitting projects.

Key elements of the School Access Safety Plan include:

- A. Goals and Objectives of the School Access Safety Plan
- B. School Access Safety Audit
- C. Countywide Inventory of Each Facility and Associated Reporting
- D. Identification of a School Safety and Security Committee
- E. Training/Drills for Staff and Students
- F. Summary of Projects within the Plan

- G. Finance Plan
- H. Annual Update
- I. Objective Evaluation of the Implementation of the School Access Safety Plan
- J. New School Design Recommendations

The SBA will require the School Access Safety Audit be addressed first, and once completed; the audit will be required to be submitted to the SBA for review and approval prior to proceeding with the remainder of the plan. A preliminary plan and plan outline must then be submitted to the SBA office for review and comment to insure the plan contains all key elements identified in the plan outline. This process is a prerequisite to qualifying for School Access Safety funding. The preliminary plan shall also include the name and contact information for the Countywide Council on Safe and Productive Schools and the contact information for the members of the School Safety and Security Committee. Each preliminary plan must include a uniform emergency management policy that describes the county's notification procedures to be followed in the event of an emergency at each school. It will also include an example of signage to be prominently displayed at each school giving the procedures to follow in the event of an emergency as well as contact numbers for emergency assistance. The preliminary plan will be reviewed by the SBA and comments will be provided that will direct the county to continue on the basis of the approval of the preliminary plan or to address additional SBA comments and resubmit the preliminary plan for a second review.

The School Building Authority staff will evaluate the final School Access Safety Plan and recommend approval to the members of the Authority. Once the plans are approved, the county board will submit the list of projects anticipated each funding cycle to the Authority for funding consideration. The Authority will consider whether the proposed projects are in furtherance of the School Access Safety Plan and in compliance with the guidelines established by the Authority. Consideration will also be given by the Authority as to whether the project will assure the prudent and resourceful expenditure of state funds, whether the project advances student health and safety, if the project addresses regularly scheduled preventive maintenance or updates of existing access safety equipment or building components. Each county board receiving funds pursuant to this article shall conduct an annual on-site inspection and submit an audit review to the State Board of Education. The inspection shall be conducted in accordance with the provisions of the Department of Education's Handbook on Planning School Facilities.

II. DETAILED REQUIREMENTS FOR EACH SECTION OF THE SCHOOL ACCESS SAFETY PLAN

- A. Goals and Objectives of the School Access Safety Plan

Each county board of education qualifying for School Access Safety funding shall formulate goals and objectives to be accomplished by the School Access Safety plan. The goals and objectives shall reflect an objective means to resolve deficiencies cited within the School Access Safety Audit. While it may be

impossible to prevent intruders in schools, it is incumbent upon school administrators to implement policies and procedures that will deter, detect, and delay unauthorized persons attempting to enter school property. Should an intruder gain access, an effective means of communicating to students, staff, the West Virginia State Police, local law enforcement officials and the community must be developed. Based on these basic assumptions, the following must be addressed within the plan:

1. Site Security

- a. Limiting, where possible, access to school sites
- b. Elimination of visual barriers blocking views to entrance driveways and pedestrian walkways
- c. Signage
- d. Structural barriers to control vehicle access to student gathering areas and building entrances
- e. Preparation of diagrammatic school plans that illustrate site utility locations, play areas, parking, bus loading areas, building locations with entrances labeled
- f. Sharing informational strategies with law enforcement
- g. Implementing, where possible, a closed campus program to help protect students and staff at the school

2. Building Security

- a. Controlling access from pre-assigned entrances to the remainder of the school
- b. Establishing a controlled point of entrance at pre-assigned doors
- c. Establishing visitor monitoring and identification process
- d. Provide security for primary and secondary entrances
- e. Monitoring entrances and controlling visitor entrances
- f. Identification of all door entrances (numbering inside & outside)
- g. Upgrading doors and hardware
- h. Installation of alarm systems
- i. Installation of two-way communication capability
- j. Providing diagrammatic layouts of the building that indicate all rooms with room numbers, interior and exterior doors with door numbers and the direction of the door swing, main utility shut-offs and other pertinent information that would be provided to emergency management personnel should they be needed at the school. Additionally, the building common areas should be color coded to allow quick identification and all school safety signage should match the color code of the common area.

3. Communication

- a. Establish two-way communication between administrative areas and classrooms
- b. Establish notification procedures between school and local law enforcement
- c. Establish protocol for shelter in place and building lockdown should an intruder enter the building
- d. Consent from the Countywide Council and advise council on productive and safe schools
- e. Establish an evacuation plan for each facility and communicate the plan to school staff and parents.

B. School Access Safety Audit

1. Each county will be responsible for conducting an audit to review the current state of access safety in all schools prior to preparing the School Access Safety Plan. The School Access Safety Audit shall be performed using the SBA approved audit format. The audit will help identify school access safety deficiencies and help the school access safety committee begin to formulate the basis of the School Access Safety Plan. Based on this information and the goals and objectives of the plan, a list of priority projects that will improve and control access to schools can be formulated.

This audit, at a minimum will:

- a. Establish procedures for identifying problems and recommending solutions for school access safety deficiencies
- b. Evaluate current deterrents that discourage, hinder or impede intruders from entering school buildings and grounds
- c. Inventory existing detection and control devices and alarm systems
- d. Evaluate current physical barriers that slow and impede unauthorized acts once detected
- e. Identify improvements necessary to existing communication equipment
- f. Establish a chain of command at the school and county level for effective communications with the local school, county and emergency management and law enforcement agencies.

C. Countywide Inventory of Each Facility and Associated Reporting

1. Each county board shall provide an estimate of probable cost to correct identified deficiencies using the School Access Safety Repair and Renovation Schedule. The individual school costs shall be amended into the current CEFP Finance Plan and recorded as a separate total dollar amount for each school. These deficiencies and costs will be reviewed annually and updated as a part of the local board annual update report

provided to the SBA and the State Department of Education. The audit must also be included in the plan and performed in cooperation with local law enforcement and emergency services. Copies of the audit including building name, address and number of students and staff must be provided. A building diagram must be provided to the West Virginia State Police, local law enforcement, the Department of Military Affairs and Public Safety, Division of Homeland Security and Emergency Management, West Virginia Department of Education, Office of School Facilities and the State Fire Marshal's Office in an electronic format. Include a chain of command list of individuals at the school and county level along with phone numbers. The diagrams must include the current room layouts, location of windows, doors (with swing direction) and all utility entrances and shutoffs. All new school (and existing schools, if available) as-built drawings must be secured in a central location identified in the School Access Safety Plan and must be available to emergency responders upon request. The Department of Education will verify the location and condition of the as-built drawings for all new schools during their annual maintenance and custodial reviews and report their findings to the SBA office.

2. A countywide inventory of each school facility's interior and exterior classroom and administrative doors shall be performed. The inventory shall include:
 - a. The number of controlled points of ingress to the school.
 - b. The number and placement of exterior doors and windows.
 - c. The inventory and condition of all monitoring systems on exterior doors.
 - d. The location and condition of automated locking devices.
 - e. The availability of two way communication between points of ingress to the school.
 - f. The availability of alarm hardware and/or remote visitor access systems on points of ingress.

3. The following reports must be included within the plan:
 - a. A copy of the current statute of school crime committed on school grounds.
 - b. A projected school access safety repair and renovation schedule for all schools.
 - c. A prioritization process for all projects in the plan.
 - d. An itemized cost summary for recommended improvements.
 - e. A regularly scheduled preventive maintenance plan for safety and security equipment.

D. Identification of a School Safety and Security Committee

Each school shall have a School Safety Committee that will meet at least annually to review matters of school safety and make recommendations for the

improvements of school access safety at the school and community level. The committee shall be made up of members of the school administration, teaching staff, school counseling staff, if available, student representation (at the secondary level, only), a Local School Improvement Council representative, a parent representative, the West Virginia State Police, local law enforcement, local emergency services and the community at large. The local School Safety Committee will prepare a baseline audit and provide an annual report based on their inspection of the facility to the superintendent regarding school safety and security on or before October 1 of each school year. The report will include a summary of the school access safety projects completed or in progress and the committee's assessment of the project's effectiveness. The committee will review the school safety needs as they relate to the existing School Access Safety Plan and make recommendations for amendments to the plan. The superintendent and staff will review the committee recommendations and recommend amendments to the plan, if required. The annual update to the plan provided to the SBA and the State Board of Education will reflect proposed new projects, completed projects and/or amended projects in the plan.

E. Training/Drills for Staff and Students

The School Access Safety Plan for each school and the School Safety Committee recommendations shall be reviewed during the local school improvement council meetings at least annually or as items for discussion occurs. Schools are encouraged to cooperate with other schools to provide staff training regarding school access safety. All teachers and administrators should be aware of the county policies regarding school safety. Students should be provided with age appropriate training regarding the procedure they should follow in the event of an emergency. Additionally, the student code of conduct established by the county should be reviewed by the school staff and the school safety committee. Student and parental responsibilities regarding the prevention of harassment, intimidation and bullying in schools should be reviewed and updated annually. To assist with this process, county boards must comply with State Board of Education Policy 4373. The Anti-Bullying Audit (SBA 174) must be completed and included in the School Access Safety Plan. Local boards should solicit the West Virginia State Police, local law enforcement and emergency service trainers to advise teacher and students regarding their participation in the overall improvement of school access safety. Scheduled lockdown drills and communication capabilities in cooperation with local law enforcement are also encouraged to prepare students and staff for unauthorized intrusion on school property, should measures fail. Existing school safety training may be used to fulfill these requirements; however, school access training derived from input of the School Access Safety Audit must be incorporated into the training.

F. Summary of Projects within the Plan

The School Access Safety Audit will identify deficiencies at each facility with regards to school access safety. Projects proposed in the plan will be identified for each facility and the estimate of probable cost will be provided. Initially, the project costs will be listed on a separate document and placed in the School Access Safety Plan section incorporated into the countywide comprehensive educational facilities plan (CEFP). Approved expenditures include the cost of equipment, machinery, installation of utilities, necessary renovation and attention to existing facilities, design fees and associated costs for building improvement packages directly related to the project. Alterations to ingress and egress must meet all building codes including West Virginia Fire Code and Life Safety Code 101 and must be approved by the State Fire Marshal. Professional architectural and engineering services may also be required when substantial building alterations are planned to improve the school access safety. All projects identified in the plan will be prioritized using the process within the existing county CEFP. The SBA School Access Safety Repair and Renovation Schedule will be used to identify projects at each school. The project cost summary sheet must also identify all funding sources proposed for each project.

At the conclusion of the 2000-2010 planning cycle, the School Access Safety Plan projects will be incorporated into the 2010-2020 CEFP and will then be included along with other improvement projects in the plan on the School Improvement Cost Summary sheets. School Access Safety projects will be identified on the Cost Summary sheet. Each project within the plan must further the overall goals of the School Access Safety Plan and the goals and objectives of the School Building Authority.

G. Finance Plan

Initially, the finance plan for the School Access Safety Plan will be included in a separate chapter of the countywide CEFP. This information will be incorporated into the finance plan for the new ten-year CEFP beginning with the 2010-2020 planning cycle and thereafter. The SBA School Access Safety Repair and Renovation Schedule will be used to identify projects, priorities, completion dates, costs and funding sources in the finance plan. A cost summary of each implemented project along with the identified funding source(s) must be provided, including the required local matching funds. The summary of the School Access Safety Plan cost should total the individual project cost totals including all soft costs, where applicable.

H. Annual Update

Each county board shall provide the SBA an annual update of the progress on the plan. The update shall be incorporated into the county's CEFP Annual Update and shall include a list of completed School Access Safety Plan projects and a list

of proposed projects. School Access Safety diagrams must also be updated annually if there are structural changes made in the school. This will require annual reviews by the county facility personnel to insure accurate building information is always available to emergency responders. Should there be new projects and the plan requires amendments, the SBA/SDE amendment procedures must be followed. Additionally, the annual update should include amendment information that relates to the new projects. The SBA School Access Repair and Renovation Schedule must be used to record the projects initially and updated annually as required.

I. Objective Evaluation of the Implementation of the School Access Safety Plan

The School Access Safety Plan shall include an objective means to be utilized in evaluating the implementation and effectiveness of the plan and each project included in the plan. The evaluation shall measure how:

1. Each project furthers the goals and objectives established for the plan,
2. Completed projects within the plan contribute to improving school access safety, and
3. The School Access Safety training and drills help prepare students and staff for emergency response to intruders in the school.

J. New School Design Recommendations

Where SBA funding is provided for the design and construction, all new schools shall be designed and constructed using Crime Prevention through Environmental Design (CPTED) concepts that also address School Access Safety. Additionally, when major additions and renovations occur at existing schools these same design concepts must be incorporated into the project scope of work. The School Access Safety design issues identified in the School Access Safety Audit must also be incorporated into new school designs. Local law enforcement and emergency services officials should be consulted during the planning phase of the new school design to provide input regarding emergency services. All school designs must be submitted to the SBA for review and comment as provided for in the SBA Guidelines and Procedures Manual.

III. SBA REVIEW OF SCHOOL ACCESS SAFETY PROJECTS

As funding becomes available, the SBA will notify county boards of the submission schedule for projects. The amount of funding for each county will be provided to allow counties to match their project scope of work with the funding available. The SBA will review each project based on the following:

1. How the School Access Safety Project advances student health and safety needs;
2. How the School Access Safety Project will assure prudent and resourceful expenditure of state funds, and

3. How the project furthers the overall goals and objectives of the School Access Safety Plan, the county board's comprehensive educational facilities plan and the overall goals and objectives of the SBA.

safetyplan

QUESTIONNAIRE

(Please include a copy of this form with each filing of your rule: Notice of Public Hearing or Comment Period; Proposed Rule, and if needed, Emergency and Modified Rule.)

DATE: July 11, 2007

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: *(Agency Name, Address & Phone No.)* School Building Authority of WV
2300 Kanawha Boulevard, East
Charleston, WV 25311

(304) 558-2541

LEGISLATIVE RULE TITLE: ~~School Access Safety Act Guidelines and Procedures~~

1. Authorizing statute(s) citation §18-9D-20

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:
April 24, 2007 - Filed for Public Comment

b. What other notice, including advertising, did you give of the hearing?
We sent a notice out to all county superintendents to advise them that the rule had been
posted on the Secretary of States web-site and informed them of the final date to submit
comments.

c. Date of Public Hearing(s) *or* Public Comment Period ended:
Public Comment Period ended on May 24, 2007

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.

Attached X No comments received

- e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing: (be exact)

- f. **Name, title, address and phone/fax/e-mail numbers** of agency person(s) to receive all *written correspondence* regarding this rule: (Please type)

Dr. Mark A. Manchin, Executive Director
2300 Kanawha Boulevard, East
Charleston, WV 25311

Phone (304) 558-2541 Fax (304) 558-2539

e-mail mmanchin@wvsba.state.wv.us

- g. **IF DIFFERENT FROM ITEM 'f'**, please give **Name, title, address and phone number(s)** of agency person(s) who wrote and/or has responsibility for the contents of this rule: (Please type)

Stella Gill, Executive Secretary
2300 Kanawha Boulevard, East
Charleston, WV 25311

Phone (304) 558-2541

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

- a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

N/A

b. Date of hearing or comment period:

N/A

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

N/A

d. Attach findings and determinations and reasons:

Attached N/A

Stella Gill

From: Bill Elswick [cwelswic@access.k12.wv.us]
Sent: Thursday, May 24, 2007 1:53 PM
To: Stella Gill
Cc: David Sneed; pcain@access.k12.wv.us; Dr. Jack McClanahan; Mark Manchin
Subject: SBA's School Access Safety Act Guidelines and Procedures

Stella,

I would like to make the following comments on the SBA's School Access Safety Act Guidelines and Procedures per our conversation today:

- Section I indicates an annual site review will be conducted per the Department of Education's, Hand Book on Planning School Facilities (Policy 6200). To make sure this fits with your requirements we may need to rewrite this policy. Of course, this will be accomplished with the collaboration of the SBA.
- We need to determine that the current Code Red information fits or compliments the needs of those involved with school safety State Police, OEM, WVDE, DMAPS and the DHHR.
- Section II, A.3.Communication. (c). should also indicate evacuation.
- Section II, C. 1.Countywide Inventory of Each Facility and Associated Reporting should indicate the WVDE and the State Police to get a copy of the building diagrams as well as the DMAPS, OEM and The State Fire Marshall's so we will be able to support multiple other response and planning activities we are involved with.
- Section II, H. Annual Updates the WVDE will need structure updates as they occur (as opposed to annually) for CEFP amendments and possibly OEPA activates.
- Section II. J. New School Design Recommendations new to be reviewed and commented on by the WVDE as well.

Of course, all of the above items will be in collaboration with the SBA and the other agencies involved.

I hope this information is helpful.

If you should have questions or need additional information, please contact me.

Thanks

Bill Elswick
Executive Director, Office of School Facilities
West Virginia Department of Education
Phone: (304) 558-2969

7/11/2007

Stella Gill

From: R. Stonestreet [rstonestreet@wvsp.state.wv.us]
Sent: Wednesday, May 16, 2007 9:41 AM
To: Stella Gill
Subject: School Access Safety Act Guidelines

X-Spam Reason: Bypass=00

Stella,

I have read the School Access Safety Guidelines and Procedures and have a recommendation for a change.

As you know the WV State Police has in the past, and is presently visiting each school to conduct site surveys of each facility. This accomplishes two things; one being officer presence in the school and two the gathering of information in the event first responders is required to respond in an emergency incident.

I noticed that you have several agencies listed, such as local law enforcement, that each school is required to report on an annual basis of any changes in building design and various other things. But the WV State Police is not included.

The WV State Police is not considered to be local law enforcement. I would request that the WV State Police be added into this document as to deter any misunderstandings in the future. The WV State Police has worked over the years to construct a databank containing very detailed information of each school in the state and if not added some may be led to believe that they no longer have to report this information to the WV State Police and choose not to cooperate in this matter.

As silly as it may seem, we have experienced problems in this area before. Thanks, F/Sgt
R. Stonestreet WVSP 767-3064

Stella Gill

From: Jay Cole
Sent: Thursday, May 03, 2007 9:45 AM
To: Stella Gill
Subject: materials for Mark Manchin

Stella,

Please share the attached document with Dr. Manchin as background for our 2:30 p.m. meeting today.

Thanks very much,
Jay

7/11/2007

MEMORANDUM

To: Governor Manchin

From: Jay Cole

Subject: WVDE anti-bullying policies

Date: 1 May 2007

This is in response to your request (relayed to me by Missy) for information about the WVDE anti-bullying policy. I prepared and shared this with Marybeth Schubert of Public Works (at her request) in mid-February.

Summary of current law and policy. State Code §18-2C-1 prohibits harassment, intimidation, and bullying in schools. This section of code, passed in 2001, requires all county boards of education to establish a policy prohibiting harassment, intimidation, and bullying in schools. These policies include definitions of these terms, procedures for investigating and reporting incidents, and a process for disciplining students who engage in these activities.

State Board of Education Policy 4373 outlines a "Student Code of Conduct." In this policy (7.1.3), the State Board identifies "bullying, harassment, and intimidation" as a Level II violation of the Student Code of Conduct. The policy further identifies the actions that school officials may take to address incidents of this nature. These actions include meetings with students and/or parents, changes to a student's schedule, in-school detention, referrals to appropriate social service agencies, limiting participation in extracurricular activities, notifying law enforcement, and up to 10 days out-of-school suspension. West Virginia's policy is one of five cited by the Education Commission of the States as "comprehensive."

State Board of Education Policy 2418 establishes regulations for alternative education programs for disruptive students. Counties are given substantial authority and latitude in designing these programs. Students who engage in frequent bullying, harassment, or intimidation may be considered disruptive and assigned to an alternative education program.

The State Department of Education has an Office of Healthy Schools. One of the units within this office is Safe and Drug Free Schools. This unit maintains contact with and provides technical assistance to the safe and drug free schools coordinators in all 55 counties. This unit also oversees a variety of efforts designed to promote character education and improve student interpersonal behaviors. These efforts include Life Skills Training, Peer Mediation/Conflict Resolution, and the Responsible Students Program. For FY 2007, the Department's "Safe Schools" budget line item is \$2 million. The same

amount is requested for FY 2008 in the Governor's budget. In 2005, the Department also received a \$1.8 million grant from the U.S. Department of Education to establish character education programs in rural schools. Grant-funded activities are focused in four counties: Boone, Clay, Summers, and Tyler.

Recommendation. An anti-bullying effort should be connected to the Governor's School Access Safety initiative. Research has found that students who commit school violence, particularly school shootings, often have been bullied or intimidated. Therefore, a reduction in bullying should reduce the likelihood of school shootings. The Governor's School Access Safety bill requires counties to develop school access safety plans in order to receive grants from the School Access Safety Fund. I think counties should be required to integrate their school access safety plans and their policies prohibiting harassment, bullying, and intimidation so that these two sets of policies are consistent with one another. The SBA should only award School Access Safety grants to those counties with plans that demonstrate careful and thorough integration. Examples of the best plans submitted each year should be shared with every county superintendent as models. I also think counties should be required to align their plans with the latest school safety and anti-bullying research to reflect the best thinking and latest techniques in this field nationally and internationally. The School Access Safety plan is about logistics, technology, and facilities. The anti-bullying policy is about behaviors, psychology, and intervention strategies. West Virginia could be a national leader in looking at all of these factors in a holistic sense to maximize student safety.