

014305460

## SENATE BILL NO. 1137

Offered January 10, 2001

Prefiled January 10, 2001

*A BILL to amend and reenact §§ 9-169, 9-170, and 22.1-79 of the Code of Virginia, relating to the employment, training, and certification of school safety and security specialists.*

Patrons—Marsh, Howell, Maxwell and Ticer

Referred to Committee on Education and Health

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 9-169, 9-170, and 22.1-79 of the Code of Virginia are amended and reenacted as follows:**

## § 9-169. Definitions.

The following words, whenever used in this chapter, or in Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, shall have the following meanings, unless the context otherwise requires:

1. "Administration of criminal justice" means performance of any activity directly involving the detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders or the collection, storage, and dissemination of criminal history record information.

2. "Board" means the Criminal Justice Services Board.

3. "Criminal justice agency" means (i) a court or any other governmental agency or subunit thereof which as its principal function performs the administration of criminal justice and any other agency or subunit thereof which performs criminal justice activities, but only to the extent that it does so and (ii) for the purposes of Chapter 23 of Title 19.2, any private corporation or agency which, within the context of its criminal justice activities employs officers appointed under § 15.2-1737, or special conservators of the peace or special policemen appointed under Chapter 2 (§ 19.2-12 et seq.) of Title 19.2, provided that (a) such private corporation or agency requires its officers, special conservators or special policemen to meet compulsory training standards established by the Criminal Justice Services Board and submits reports of compliance with the training standards and (b) the private corporation or agency complies with the provisions of Article 3 (§ 9-184 et seq.) of Chapter 27 of Title 9 but only to the extent that the private corporation or agency so designated as a "criminal justice agency" performs criminal justice activities. "Criminal justice agency" includes any program certified by the Commission on VASAP pursuant to § 18.2-271.2.

4. "Criminal history record information" means records and data collected by criminal justice agencies on adult individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, informations, or other formal charges, and any disposition arising therefrom. The term shall not include juvenile record information which is controlled by Chapter 11 (§ 16.1-226 et seq.) of Title 16.1, criminal justice intelligence information, criminal justice investigative information, or correctional status information.

5. "Correctional status information" means records and data concerning each condition of a convicted person's custodial status, including probation, confinement, work release, study release, escape, or termination of custody through expiration of sentence, parole, pardon, or court decision.

6. "Criminal justice information system" means a system including the equipment, facilities, procedures, agreements, and organizations thereof, for the collection, processing, preservation, or dissemination of criminal history record information. The operations of the system may be performed manually or by using electronic computers or other automated data processing equipment.

7. "Department" means the Department of Criminal Justice Services.

8. "Dissemination" means any transfer of information, whether orally, in writing, or by electronic means. The term does not include access to the information by officers or employees of a criminal justice agency maintaining the information who have both a need and right to know the information.

9. "Law-enforcement officer" means any full-time or part-time employee of a police department or sheriff's office which is a part of or administered by the Commonwealth or any political subdivision thereof, and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of this Commonwealth, and shall include any special agent of the Department of Alcoholic Beverage Control, any police agent appointed under the provisions of § 56-353, any officer of the Virginia Marine Patrol, any game warden who is a full-time sworn member of the enforcement division of the Department of Game and Inland Fisheries, any agent, investigator, or inspector appointed under § 56-334 or any investigator who is a full-time sworn member of the security

INTRODUCED

SB1137

59 division of the State Lottery Department, *any law-enforcement officer, as described herein, and any*  
60 *full-time or part-time member of a local school board's department or office of school safety and*  
61 *security who meets the Department of Criminal Justice Services qualifications, and who is employed as*  
62 *a school safety and security specialist, pursuant to §22.1-79. Part-time employees are compensated*  
63 officers who are not full-time employees as defined by the employing police department or sheriff's  
64 office. Full-time sworn members of the enforcement division of the Department of Motor Vehicles  
65 meeting the Department of Criminal Justice Services qualifications shall be deemed to be  
66 "law-enforcement officers" when fulfilling their duties pursuant to § 46.2-217.

67 10. "Conviction data" means information in the custody of any criminal justice agency relating to a  
68 judgment of conviction, and the consequences arising therefrom, in any court.

69 § 9-170. Powers and duties of the Board and Department.

70 The Department, under the direction of the Board, which shall be the policy-making body for  
71 carrying out the duties and powers hereunder, shall have the power to:

72 1. Promulgate regulations, pursuant to the Administrative Process Act (§ 9-6.14:1 et seq.), for the  
73 administration of (i) this chapter including the authority to require the submission of reports and  
74 information by law-enforcement officers within this Commonwealth or (ii) §§ 18.2-268.6, 18.2-268.9,  
75 19.2-188.1, 19.2-310.5 and for any provisions of the Code as they relate to the responsibilities of the  
76 Division of Forensic Science. Any proposed regulations concerning the privacy, confidentiality, and  
77 security of criminal justice information shall be submitted for review and comment to any board,  
78 commission, or committee or other body which may be established by the General Assembly to regulate  
79 the privacy, confidentiality, and security of information collected and maintained by the Commonwealth  
80 or any political subdivision thereof;

81 2. Establish compulsory minimum training standards subsequent to employment as a law-enforcement  
82 officer (i) in permanent positions and (ii) in temporary or probationary status, and establish the time  
83 required for completion of such training;

84 3. Establish minimum training standards and qualifications for certification and recertification for  
85 law-enforcement officers serving as field training officers;

86 4. Establish compulsory minimum curriculum requirements for in-service and advanced courses and  
87 programs for schools, whether located in or outside the Commonwealth, which are operated for the  
88 specific purpose of training law-enforcement officers;

89 5. Establish (i) compulsory minimum training standards for law-enforcement officers who utilize  
90 radar or an electrical or microcomputer device to measure the speed of motor vehicles as provided in  
91 § 46.2-882 and establish the time required for completion of the training and (ii) compulsory minimum  
92 qualifications for certification and recertification of instructors who provide such training;

93 6. Establish compulsory training courses for law-enforcement officers in laws and procedures relating  
94 to entrapment, search and seizure, evidence, and techniques of report writing, which training shall be  
95 completed by law-enforcement officers who have not completed the compulsory training standards set  
96 out in subdivision 2 above, prior to assignment of any such officers to undercover investigation work.  
97 Failure to complete such training shall not, for that reason, constitute grounds to exclude otherwise  
98 properly admissible testimony or other evidence from such officer resulting from any undercover  
99 investigation;

100 7. Establish compulsory minimum entry level, in-service and advanced training standards for those  
101 persons designated to provide courthouse and courtroom security pursuant to the provisions of  
102 § 53.1-120, and to establish the time required for completion of such training;

103 8. Establish compulsory minimum entry level, in-service and advanced training standards for deputy  
104 sheriffs designated to serve process pursuant to the provisions of § 8.01-293, and establish the time  
105 required for the completion of such training;

106 9. Establish compulsory minimum entry-level, in-service, and advanced training standards for persons  
107 employed as jailers or custodial officers by local criminal justice agencies and for correctional officers  
108 employed by the Department of Corrections under the provisions of Title 53.1, and establish the time  
109 required for completion of such training;

110 10. Establish compulsory minimum training standards for all dispatchers employed by or in any local  
111 or state government agency, whose duties include the dispatching of law-enforcement personnel. Such  
112 training standards shall apply only to dispatchers hired on or after July 1, 1988;

113 11. Consult and cooperate with counties, municipalities, agencies of this Commonwealth, other state  
114 and federal governmental agencies, ~~and with~~ universities, colleges, junior colleges, and other institutions,  
115 whether located in or outside the Commonwealth, concerning the development of police training schools  
116 and programs or courses of instruction, *and with local school boards of this Commonwealth, concerning*  
117 *the development of programs or courses of instruction for school safety and security specialists;*

118 12. Approve institutions, curricula and facilities, whether located in or outside the Commonwealth,  
119 for school operation for the specific purpose of training law-enforcement officers; but this shall not  
120 prevent the holding of any such school whether approved or not;

13. Establish and maintain police training programs through such agencies and institutions as the Board may deem appropriate;

14. Establish compulsory minimum qualifications of certification and recertification for instructors in criminal justice training schools approved by the Department;

15. Conduct and stimulate research by public and private agencies which shall be designed to improve police administration and law enforcement;

16. Make recommendations concerning any matter within its purview pursuant to this chapter;

17. Coordinate its activities with those of any interstate system for the exchange of criminal history record information, nominate one or more of its members to serve upon the council or committee of any such system, and participate when and as deemed appropriate in any such system's activities and programs;

18. Conduct inquiries and investigations it deems appropriate to carry out its functions under this chapter and, in conducting such inquiries and investigations, shall have the authority to require any criminal justice agency to submit information, reports, and statistical data with respect to its policy and operation of information systems or with respect to its collection, storage, dissemination, and usage of criminal history record information and correctional status information, and such criminal justice agencies shall submit such information, reports, and data as are reasonably required;

19. Conduct audits as required by § 9-186;

20. Conduct a continuing study and review of questions of individual privacy and confidentiality of criminal history record information and correctional status information;

21. Advise criminal justice agencies and initiate educational programs for such agencies with respect to matters of privacy, confidentiality, and security as they pertain to criminal history record information and correctional status information;

22. Maintain a liaison with any board, commission, committee, or other body which may be established by law, executive order, or resolution to regulate the privacy and security of information collected by the Commonwealth or any political subdivision thereof;

23. Issue regulations establishing guidelines and standards for the collection, storage, and dissemination of criminal history record information and correctional status information, and the privacy, confidentiality, and security thereof necessary to implement state and federal statutes, regulations, and court orders;

24. The Department of State Police shall be the control terminal agency for the Commonwealth and perform all functions required of a control terminal agency by the regulations of the National Crime Information Center. Notwithstanding any other provision to the contrary in this chapter, the Central Criminal Records Exchange and the Department of State Police shall remain the central repository for criminal history record information in the Commonwealth, and the Department shall continue to be responsible for the management and operation of such exchange;

25. Operate a statewide criminal justice statistical analysis center, which shall maintain a unified criminal justice data system, produce reports, provide technical assistance to state and local criminal justice data system users, and provide analysis and interpretation of criminal justice statistical information;

26. Develop a comprehensive, statewide, long-range plan for strengthening and improving law enforcement and the administration of criminal justice throughout the Commonwealth, and periodically update that plan;

27. Cooperate with, and advise and assist, all agencies, departments, boards and institutions of the Commonwealth, and units of general local government, or combinations thereof, including planning district commissions, in planning, developing, and administering programs, projects, comprehensive plans, and other activities for improving law enforcement and the administration of criminal justice throughout the Commonwealth, including allocating and subgranting funds for these purposes;

28. Define, develop, organize, encourage, conduct, coordinate, and administer programs, projects and activities for the Commonwealth and units of general local government, or combinations thereof, in the Commonwealth, designed to strengthen and improve law enforcement and the administration of criminal justice at every level throughout the Commonwealth;

29. Review and evaluate programs, projects, and activities, and recommend, where necessary, revisions or alterations to such programs, projects, and activities for the purpose of improving law enforcement and the administration of criminal justice;

30. Coordinate the activities and projects of the state departments, agencies, and boards of the Commonwealth and of the units of general local government, or combination thereof, including planning district commissions, relating to the preparation, adoption, administration, and implementation of comprehensive plans to strengthen and improve law enforcement and the administration of criminal justice;

31. Do all things necessary on behalf of the Commonwealth and its units of general local

182 government, to determine and secure benefits available under the Omnibus Crime Control and Safe  
183 Streets Act of 1968 (P.L. 90-351, 82 Stat. 197), as amended, and under any other federal acts and  
184 programs for strengthening and improving law enforcement, the administration of criminal justice, and  
185 delinquency prevention and control;

186 32. Receive, administer, and expend all funds and other assistance available to the Board and the  
187 Department for carrying out the purposes of this chapter and the Omnibus Crime Control and Safe  
188 Streets Act of 1968, as amended;

189 33. Apply for and accept grants from the United States government or any other source in carrying  
190 out the purposes of this chapter and accept any and all donations both real and personal, and grants of  
191 money from any governmental unit or public agency, or from any institution, person, firm or  
192 corporation, and may receive, utilize and dispose of the same. Any arrangements pursuant to this section  
193 shall be detailed in the annual report of the Board. Such report shall include the identity of the donor,  
194 the nature of the transaction, and the conditions, if any. Any moneys received pursuant to this section  
195 shall be deposited in the state treasury to the account of the Department. To these ends, the Board shall  
196 have the power to comply with conditions and execute such agreements as may be necessary;

197 34. Make and enter into all contracts and agreements necessary or incidental to the performance of  
198 its duties and execution of its powers under this chapter, including but not limited to, contracts with the  
199 United States, units of general local government or combinations thereof, in Virginia or other states, and  
200 with agencies and departments of the Commonwealth;

201 35. Adopt and administer reasonable regulations for the planning and implementation of programs  
202 and activities and for the allocation, expenditure and subgranting of funds available to the  
203 Commonwealth and to units of general local government, and for carrying out the purposes of this  
204 chapter and the powers and duties set forth herein;

205 36. Certify and decertify law-enforcement officers in accordance with §§ 15.2-1706 and 15.2-1707;

206 37. Provide forensic laboratory services as detailed in Article 4 (§ 9-196.1 et seq.) of this chapter;

207 38. Establish training standards and publish a model policy for law-enforcement personnel in the  
208 handling of family abuse cases;

209 39. Establish training standards and publish a model policy for law-enforcement personnel in  
210 communicating with and facilitating the safe return of individuals diagnosed with Alzheimer's disease;

211 40. Establish compulsory training standards for law-enforcement officers to ensure sensitivity to and  
212 awareness of cultural diversity;

213 41. Review and evaluate community policing programs in the Commonwealth, and recommend where  
214 necessary statewide operating procedures, guidelines, and standards which strengthen and improve such  
215 programs;

216 42. (Effective until July 1, 2005) Assist, as necessary, in the administration of the Live In Our  
217 Community Police Housing Program and Fund established pursuant to Chapter 8.1 (§ 36-140.1 et seq.)  
218 of Title 36; and

219 43. *Establish compulsory minimum, in-service, and advanced training standards for school safety and*  
220 *security specialists; and*

221 4344. Perform such other acts as may be necessary or convenient for the effective performance of its  
222 duties.

223 § 22.1-79. Powers and duties.

224 A. A school board shall:

225 1. See that the school laws are properly explained, enforced and observed;

226 2. Secure, by visitation or otherwise, as full information as possible about the conduct of the public  
227 schools in the school division and take care that they are conducted according to law and with the  
228 utmost efficiency;

229 3. Care for, manage and control the property of the school division and provide for the erecting,  
230 furnishing, equipping, and noninstructional operating of necessary school buildings and appurtenances  
231 and the maintenance thereof by purchase, lease, or other contracts;

232 4. Provide for the consolidation of schools or redistricting of school boundaries or adopt pupil  
233 assignment plans whenever such procedure will contribute to the efficiency of the school division;

234 5. Insofar as not inconsistent with state statutes and regulations of the Board of Education, operate  
235 and maintain the public schools in the school division and determine the length of the school term, the  
236 studies to be pursued, the methods of teaching and the government to be employed in the schools;

237 6. In instances in which no grievance procedure has been adopted prior to January 1, 1991, establish  
238 and administer by July 1, 1992, a grievance procedure for all school board employees, except the  
239 division superintendent and those employees covered under the provisions of Article 2 (§ 22.1-293 et  
240 seq.) and Article 3 (§ 22.1-306 et seq.) of Chapter 15 of this title, who have completed such  
241 probationary period as may be required by the school board, not to exceed eighteen months. The  
242 grievance procedure shall afford a timely and fair method of the resolution of disputes arising between  
243 the school board and such employees regarding dismissal, suspension, or other disciplinary actions and

shall be consistent with the provisions of the Board of Education's procedures for adjusting grievances except that there shall be no right to a hearing before a fact-finding panel;

7. Perform such other duties as shall be prescribed by the Board of Education or as are imposed by law; and

8. 7. Obtain public comment through a public hearing not less than ten days after reasonable notice to the public in a newspaper of general circulation in the school division prior to providing (i) for the consolidation of schools; (ii) the transfer from the public school system of the administration of all instructional services for any public school classroom or all noninstructional services in the school division pursuant to a contract with any private entity or organization; or (iii) in school divisions having 15,000 pupils or more in average daily membership, for redistricting of school boundaries or adopting any pupil assignment plan affecting the assignment of fifteen percent or more of the pupils in average daily membership in the affected school. Such public hearing may be held at the same time and place as the meeting of the school board at which the proposed action is taken if the public hearing is held before the action is taken. If a public hearing has been held prior to the effective date of this provision on a proposed consolidation, redistricting or pupil assignment plan which is to be implemented after the effective date of this provision, an additional public hearing shall not be required; and

8. Perform such other duties as shall be prescribed by the Board of Education or as are imposed by law.

*B. A school board may:*

1. Establish a school safety and security department or office, and employ full-time and part-time law-enforcement officers and other employees as school safety and security specialists whose duties shall include, but not be limited to, the enforcement of the laws of the Commonwealth and school board student conduct policies, the security of school facilities and property, maintaining order in school facilities and at school-sponsored activities, and the prevention and detection of crime in school facilities, on school property, and at school-sponsored activities.

2. Establish, in consultation with the Department of Criminal Justice Services, programs or courses of instruction to provide compulsory minimum, in-service, and advanced training of school safety and security specialists.

3. Seek approval of training programs for school safety and security specialists by the Department of Criminal Justice Services, and the certification of such persons who meet the Department's qualifications for law-enforcement officers, pursuant to §9-170.