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## HOUSE BILL NO. 2832

Offered January 19, 2005

A BILL to amend and reenact § 22.1-279.3:1 of the Code of Virginia, to amend the Code of Virginia by adding in Article 1 of Chapter 15 of Title 22.1 a section numbered 22.1-292.2, and to amend the Code of Virginia by adding sections numbered 22.1-276.3 and 23-2.3, relating to ineligibility for interscholastic and intercollegiate athletic competition.

Patrons—Marshall, R.G. and Reid

Referred to Committee on Education

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

**1. That § 22.1-279.3:1 of the Code of Virginia is amended and reenacted, that the Code of Virginia is amended by adding in Article 1 of Chapter 15 of Title 22.1 a section numbered 22.1-292.2, and that the Code of Virginia is amended by adding sections numbered 22.1-276.3 and 23-2.3 as follows:**

§ 22.1-276.3. *Ineligibility of students to compete in athletic competitions.*

*Local school boards shall require that a student who is a member of a school athletic team shall be ineligible for two school years to compete in interscholastic athletic competition, if it has been determined by the school principal and division superintendent that the student used anabolic steroids during the training period prior to or during the sport season of the athletic team.*

§ 22.1-279.3:1. Reports of certain acts to school authorities.

A. Reports shall be made to the division superintendent and to the principal or his designee on all incidents involving (i) the assault or assault and battery, without bodily injury, of any person on a school bus, on school property, or at a school-sponsored activity; (ii) the assault and battery which results in bodily injury, sexual assault, death, shooting, stabbing, cutting, or wounding of any person on a school bus, on school property, or at a school-sponsored activity; (iii) any conduct involving alcohol, marijuana, a controlled substance, imitation controlled substance, or an anabolic steroid on a school bus, on school property, or at a school-sponsored activity, or during the training period prior to or during the sport season of a school athletic team on which the student is a member, including the theft or attempted theft of student prescription medications; (iv) any threats against school personnel while on a school bus, on school property or at a school-sponsored activity; (v) the illegal carrying of a firearm, as defined in § 22.1-277.07, onto school property; (vi) any illegal conduct involving firebombs, explosive materials or devices, or hoax explosive devices, as defined in § 18.2-85, or explosive or incendiary devices, as defined in § 18.2-433.1, or chemical bombs, as described in § 18.2-87.1, on a school bus, on school property, or at a school-sponsored activity; (vii) any threats or false threats to bomb, as described in § 18.2-83, made against school personnel or involving school property or school buses; or (viii) the arrest of any student for an incident occurring on a school bus, on school property, or at a school-sponsored activity, including the charge therefor.

B. Notwithstanding the provisions of Article 12 (§ 16.1-299 et seq.) of Chapter 11 of Title 16.1, local law-enforcement authorities shall report, and the principal or his designee and the division superintendent shall receive such reports, on offenses, wherever committed, by students enrolled at the school if the offense would be a felony if committed by an adult or would be a violation of the Drug Control Act (§ 54.1-3400 et seq.) and occurred on a school bus, on school property, or at a school-sponsored activity, or would be an adult misdemeanor involving any incidents described in clauses (i) through (viii) of subsection A.

C. The principal or his designee shall submit a report of all incidents required to be reported pursuant to this section to the superintendent of the school division. The division superintendent shall annually report all such incidents to the Department of Education for the purpose of recording the frequency of such incidents on forms that shall be provided by the Department and shall make such information available to the public. A division superintendent who knowingly fails to comply or secure compliance with the reporting requirements of this subsection shall be subject to the sanctions authorized in § 22.1-65. A principal who knowingly fails to comply or secure compliance with the reporting requirements of this section shall be subject to sanctions prescribed by the local school board, which may include, but need not be limited to, demotion or dismissal.

The principal or his designee shall also notify the parent of any student involved in an incident required pursuant to this section to be reported, regardless of whether disciplinary action is taken against such student or the nature of the disciplinary action. Such notice shall relate to only the relevant student's involvement and shall not include information concerning other students.

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59 Whenever any student commits any reportable incident as set forth in this section, such student shall  
60 be required to participate in such prevention and intervention activities as deemed appropriate by the  
61 superintendent or his designee. Prevention and intervention activities shall be identified in the local  
62 school division's drug and violence prevention plans developed pursuant to the federal Improving  
63 America's Schools Act of 1994 (Title IV - Safe and Drug-Free Schools and Communities Act).

64 D. Except as may otherwise be required by federal law, regulation, or jurisprudence, the principal  
65 shall immediately report to the local law-enforcement agency any act enumerated in clauses (ii) through  
66 (vii) of subsection A that may constitute a criminal offense and may report to the local law-enforcement  
67 agency any incident described in clause (i) of subsection A.

68 E. A statement providing a procedure and the purpose for the requirements of this section shall be  
69 included in school board policies required by § 22.1-253.13:7.

70 The Board of Education shall promulgate regulations to implement this section, including, but not  
71 limited to, establishing reporting dates and report formats.

72 F. For the purposes of this section, "parent" or "parents" means any parent, guardian or other person  
73 having control or charge of a child.

74 G. This section shall not be construed to diminish the authority of the Board of Education or to  
75 diminish the Governor's authority to coordinate and provide policy direction on official communications  
76 between the Commonwealth and the United States government.

77 § 22.1-292.2. *Violation of student eligibility for athletic competitions; suspension of license.*

78 A. *The Board of Education shall suspend or revoke the administrative or teaching license it has*  
79 *issued to any person who knowingly and willfully with the intent to compromise the outcome of an*  
80 *athletic competition procures, sells, or administers anabolic steroids or causes such drugs to be*  
81 *procured, sold, or administered to a student who is a member of a school athletic team, or fails to*  
82 *report the use of such drugs by a student to the school principal and division superintendent as required*  
83 *by § 22.1-279.3:1. Any person whose administrative or teaching license is suspended or revoked by the*  
84 *Board pursuant to this section shall be ineligible for three school years for employment in the public*  
85 *schools of the Commonwealth and at public institutions of higher education as provided in § 23-2.3.*

86 B. *Any suspension or revocation imposed in accordance with this section shall be rendered pursuant*  
87 *to Board regulations promulgated pursuant to the Administrative Process Act (§ 2.2-4000 et seq.) and*  
88 *§ 22.1-298, governing the licensure of teachers.*

89 § 23-2.3. *Ineligibility of students to compete in athletic competitions; ineligibility of certain persons*  
90 *for employment.*

91 A. *The governing body of each public institution of higher education shall require that a student who*  
92 *is a member of an athletic team of the institution shall be ineligible for two academic years to compete*  
93 *in intercollegiate athletic competition, if it has been determined by the coach of the team or the athletic*  
94 *director that the student has used anabolic steroids during the training period prior to or during the*  
95 *sport season of the athletic team.*

96 B. *The governing body of each public institution of higher education shall require the suspension or*  
97 *dismissal from employment any person who (i) knowingly and willfully with the intent to compromise the*  
98 *outcome of an athletic competition procures, sells, or administers anabolic steroids or causes such drugs*  
99 *to be procured, sold, or administered to a student who is a member of an institution's athletic team; or*  
100 *(ii) fails to report the use of such drugs by a student to the institution's administrative staff designated*  
101 *to receive such reports. Any person suspended or dismissed from employment by the board in*  
102 *accordance with this section shall be ineligible for three academic years for employment at public*  
103 *institutions of higher education and in the public schools of the Commonwealth as provided in*  
104 *§ 22.1-292.2.*