

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 63.2-1511 of the Code of Virginia, relating to child protective services;*
3 *school personnel.*

4 [S 1243]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 63.2-1511 of the Code of Virginia is amended and reenacted as follows:**

8 § 63.2-1511. Complaints of abuse and neglect against school personnel; interagency agreement.

9 A. If a teacher, principal or other person employed by a local school board or employed in a school
10 operated by the Commonwealth is suspected of abusing or neglecting a child in the course of his
11 educational employment, the complaint shall be investigated in accordance with §§ 63.2-1503, 63.2-1505
12 and 63.2-1516.1. Pursuant to § 22.1-279.1, no teacher, principal or other person employed by a school
13 board or employed in a school operated by the Commonwealth shall subject a student to corporal
14 punishment. However, this prohibition of corporal punishment shall not be deemed to prevent (i) the use
15 of incidental, minor or reasonable physical contact or other actions designed to maintain order and
16 control; (ii) the use of reasonable and necessary force to quell a disturbance or remove a student from
17 the scene of a disturbance that threatens physical injury to persons or damage to property; (iii) the use
18 of reasonable and necessary force to prevent a student from inflicting physical harm on himself; (iv) the
19 use of reasonable and necessary force for self-defense or the defense of others; or (v) the use of
20 reasonable and necessary force to obtain possession of weapons or other dangerous objects or controlled
21 substances or paraphernalia that are upon the person of the student or within his control. In determining
22 whether the actions of a teacher, principal or other person employed by a school board or employed in a
23 school operated by the Commonwealth are within the exceptions provided in this section, the local
24 department shall examine whether the actions at the time of the event that were made by such person
25 were reasonable.

26 B. For purposes of this section, "corporal punishment," "abuse," or "abused or neglected child"
27 "neglect" shall not include physical pain, injury or discomfort caused by the use of incidental, minor or
28 reasonable physical contact or other actions designed to maintain order and control as permitted in
29 clause (i) of subsection A or the use of reasonable and necessary force as permitted by clauses (ii), (iii),
30 (iv), and (v) of subsection A, or by participation in practice or competition in an interscholastic sport, or
31 participation in physical education or an extracurricular activity.

32 C. *If, after an investigation of a complaint under this section, the local department determines that*
33 *the actions or omissions of a teacher, principal, or other person employed by a local school board or*
34 *employed in a school operated by the Commonwealth were within such employee's scope of employment*
35 *and were taken in good faith in the course of supervision, care, or discipline of students, then the*
36 *standard in determining if a report of abuse or neglect is founded is whether such acts or omissions*
37 *constituted gross negligence or willful misconduct.*

38 D. Each local department of social services and local school division shall adopt a written
39 interagency agreement as a protocol for investigating child abuse and neglect reports against school
40 personnel. The interagency agreement shall be based on recommended procedures for conducting
41 investigations developed by the Departments of Education and Social Services.
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