

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 23-9.2:3 of the Code of Virginia, relating to higher education; mental*
 3 *health and parental notification policies.*

4 [S 374]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 23-9.2:3 of the Code of Virginia is amended and reenacted as follows:**

8 § 23-9.2:3. Power of governing body of educational institution to establish rules and regulations;
 9 offenses occurring on property of institution; state direct student financial assistance; release of
 10 educational records.

11 A. In addition to the powers now enjoyed by it, the board of visitors or other governing body of
 12 every educational institution shall have the power:

13 1. To establish rules and regulations for the acceptance and assistance of students except that (i)
 14 individuals who have failed to meet the federal requirement to register for the selective service shall not
 15 be eligible to receive any state direct student assistance; (ii) the accreditation status of a Virginia public
 16 high school shall not be considered in making admissions determinations for students who have earned a
 17 diploma pursuant to the requirements established by the Board of Education; and (iii) the governing
 18 boards of the four-year institutions shall establish policies providing for the admission of certain
 19 graduates of Virginia community colleges as set forth in § 23-9.2:3.02.

20 2. To establish rules and regulations for the conduct of students while attending such institution.

21 3. To establish programs, in cooperation with the State Council of Higher Education and the Office
 22 of the Attorney General, to promote compliance among students with the Commonwealth's laws relating
 23 to the use of alcoholic beverages.

24 4. To establish rules and regulations for the rescission or restriction of financial aid, within the
 25 discretionary authority provided to the institution by federal or state law and regulations, and the
 26 suspension and dismissal of students who fail or refuse to abide by such rules and regulations for the
 27 conduct of students.

28 5. To establish rules and regulations for the employment of professors, teachers, instructors and all
 29 other employees and provide for their dismissal for failure to abide by such rules and regulations.

30 6. To provide parking and traffic rules and regulations on property owned by such institution.

31 7. To establish guidelines for the initiation or induction into any social fraternity or sorority in
 32 accordance with § 18.2-56.

33 8. To establish programs, in cooperation with the State Council of Higher Education for Virginia and
 34 the Office of the Attorney General, to promote the awareness and prevention of sexual crimes
 35 committed upon students.

36 B. Upon receipt of an appropriate resolution of the board of visitors or other governing body of an
 37 educational institution, the governing body of a political subdivision which is contiguous to the
 38 institution shall enforce state statutes and local ordinances with respect to offenses occurring on the
 39 property of the institution.

40 The governing bodies of the public institutions of higher education shall assist the State Council of
 41 Higher Education in enforcing the provisions related to eligibility for financial aid.

42 C. Notwithstanding any other provision of state law, the board of visitors or other governing body of
 43 every public institution of higher education in Virginia shall establish policies and procedures requiring
 44 the notification of the parent of a dependent student when such student receives mental health treatment
 45 at the institution's student health or counseling center and such treatment becomes part of the student's
 46 educational record in accordance with the federal Health Insurance Portability and Accountability Act
 47 (42 U.S.C. § 1320d et seq.) and may be disclosed without prior consent as authorized by the federal
 48 Family Educational Rights and Privacy Act (20 U.S.C. § 1232g) and related regulations (34 C.F.R. Part
 49 99). Such notification shall only be required if it is determined that there exists a substantial likelihood
 50 that, as a result of mental illness the student will, in the near future, (i) cause serious physical harm to
 51 himself or others as evidenced by recent behavior or any other relevant information or (ii) suffer serious
 52 harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs.
 53 However, notification may be withheld if the student's treating physician or treating clinical psychologist
 54 *any person licensed to diagnose and treat mental, emotional, or behavioral disorders by a health*
 55 *regulatory board within the Department of Health Professions who is treating the student* has made a
 56 part of the student's record a written statement that, in the exercise of his professional judgment, the

57 notification would be reasonably likely to cause substantial harm to the student or another person. No
58 public institution of higher education or employee of a public institution of higher education making a
59 disclosure pursuant to this subsection shall be civilly liable for any harm resulting from such disclosure
60 unless such disclosure constitutes gross negligence or willful misconduct by the institution or its
61 employees.

62 D. The board of visitors or other governing body of every public institution of higher education in
63 Virginia shall establish policies and procedures requiring the release of the educational record of a
64 dependent student, as defined by 20 U.S.C. § 1232g, to a parent at his request.

65 E. In order to improve the quality of the Commonwealth's work force and educational programs, the
66 governing bodies of the public institutions of higher education shall establish programs to seek to ensure
67 that all graduates have the technology skills necessary to compete in the 21st Century and, particularly,
68 that all students matriculating in teacher-training programs receive instruction in the effective use of
69 educational technology.