

13104931D

HOUSE BILL NO. 2344

Offered February 8, 2013

A *BILL to amend and reenact § 23-9.2:10 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 22.1-79.4, relating to school safety; threat assessment teams and oversight committees.*

Patrons—Cole, Cosgrove, Cox, M.K., Dudenhefer, Farrell, Garrett, Hugo, Iaquinto, Ingram, Knight, Landes, Lingamfelter, Marshall, D.W., Marshall, R.G., Merricks, Miller, Minchew, Orrock, Peace, Ramadan, Robinson, Rust, Scott, E.T., Stolle, Tata, Torian, Watson and Yancey

Introduced at the request of the Governor

Referred to Committee on Militia, Police and Public Safety

Be it enacted by the General Assembly of Virginia:

1. That § 23-9.2:10 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 22.1-79.4 as follows:

§ 22.1-79.4. *Threat assessment teams and oversight committees; criminal history record information and health information.*

A. Each local school division shall adopt policies and procedures for the establishment of threat assessment teams in each school, including procedures for the assessment of and intervention with individuals whose behavior may pose a threat to the safety of school staff or students based on the model policies developed by the Virginia Center for School Safety in accordance with § 9.1-184.

B. The superintendent of each school division shall establish a committee charged with oversight of the threat assessment teams operating within the division, which may be an existing committee established by the division. The committee shall include individuals with expertise in human resources, education and administration, mental health, and law enforcement.

C. Each division superintendent shall establish, either at the division or individual school level, for each school, a threat assessment team that shall include persons with expertise in counseling, instruction, and administration, and school resource or local law-enforcement members. Each team shall (i) provide guidance to students, faculty, and staff regarding recognition of threatening or aberrant behavior that may represent a threat to the community, school, or self; (ii) identify members of the school community to whom threatening behavior should be reported; and (iii) develop policies and procedures for the assessment of individuals whose behavior may present a threat, appropriate means of intervention with such individuals, and sufficient means of action to resolve potential threats.

D. Upon a preliminary determination that an individual poses a threat of violence to self or others, or exhibits significantly disruptive behavior or need for assistance, a threat assessment team shall immediately report their determination to the division superintendent, who may obtain criminal history record information, as provided in §§ 19.2-389 and 19.2-389.1, and health records, as provided in § 32.1-127.1:03. Health care providers shall disclose health records as requested by a division superintendent pursuant to this section. A division superintendent may disclose criminal history record information or health information to members of a threat assessment team. No division superintendent or member of a threat assessment team shall redisclose any criminal history record information or health information obtained pursuant to this section or otherwise use any record of an individual beyond the purpose for which such disclosure was made to the division superintendent or threat assessment team.

§ 23-9.2:10. *Violence prevention committee; threat assessment team.*

A. Each public college or university shall have in place policies and procedures for the prevention of violence on campus, including assessment and intervention with individuals whose behavior poses a threat to the safety of the campus community.

B. The board of visitors or other governing body of each public institution of higher education shall determine a committee structure on campus of individuals charged with education and prevention of violence on campus. Each committee shall include representatives from student affairs, law enforcement, human resources, counseling services, residence life, and other constituencies as needed. Such committee shall also consult with legal counsel as needed. Once formed, each committee shall develop a clear statement of: (i) mission, (ii) membership, and (iii) leadership. Such statement shall be published and available to the campus community.

C. Each committee shall be charged with: (i) providing guidance to students, faculty, and staff regarding recognition of threatening or aberrant behavior that may represent a threat to the community;

INTRODUCED

HB2344

57 (ii) identification of members of the campus community to whom threatening behavior should be
58 reported; and (iii) policies and procedures for the assessment of individuals whose behavior may present
59 a threat, appropriate means of intervention with such individuals, and sufficient means of action,
60 including interim suspension or medical separation to resolve potential threats.

61 D. The board of visitors or other governing body of each public institution of higher education shall
62 establish a specific threat assessment team that shall include members from law enforcement, mental
63 health professionals, representatives of student affairs and human resources, and, if available, college or
64 university counsel. Such team shall implement the assessment, intervention and action policies set forth
65 by the committee pursuant to subsection C.

66 E. Each threat assessment team shall establish relationships or utilize existing relationships with local
67 and state law-enforcement agencies as well as mental health agencies to expedite assessment and
68 intervention with individuals whose behavior may present a threat to safety. Upon a preliminary
69 determination that an individual poses a threat of violence to self or others, or exhibits significantly
70 disruptive behavior or need for assistance, a threat assessment team may obtain criminal history record
71 information, as provided in §§ 19.2-389 and 19.2-389.1, and health records, as provided in
72 § 32.1-127.1:03. *Health care providers shall disclose health records as requested by a threat assessment*
73 *team pursuant to this section.* No member of a threat assessment team shall redisclose any criminal
74 history record information or health information obtained pursuant to this section or otherwise use any
75 record of an individual beyond the purpose for which such disclosure was made to the threat assessment
76 team.

77 F. *Each threat assessment team established pursuant to this section shall report quantitative data on*
78 *its activities according to guidance from the Department of Criminal Justice Services.*