

VIRGINIA ACTS OF ASSEMBLY -- 2014 SESSION

CHAPTER 412

An Act to amend and reenact § 63.2-1511 of the Code of Virginia, relating to investigation of alleged child abuse and neglect; agreements with school divisions.

[H 683]

Approved March 31, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 63.2-1511 of the Code of Virginia is amended and reenacted as follows:

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

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

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

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

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

2. That local school divisions shall report annually to the Board of Education, and local departments of social services shall report annually to the Board of Social Services, regarding the status of interagency agreements for the investigation of complaints of child abuse and neglect against school personnel and reports of sexual abuse of children that require coordination between local departments and local school divisions to facilitate investigation of such complaints and reports. Once such interagency agreement is adopted, the local school division and the local department of social services that are the parties to the interagency agreement shall no longer be required to report annually on the status of the interagency agreement. Thereafter, such parties shall only be required to report to the Board of Education and the Board of Social Services when such interagency agreements are substantially modified.