

14101376D

SENATE BILL NO. 390

Offered January 8, 2014

Prefiled January 7, 2014

A BILL to amend and reenact §§ 9.1-102, 9.1-184, 22.1-79.4, and 22.1-279.8 of the Code of Virginia, relating to the Virginia Center for School Safety; name change.

Patron—Howell

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

1. That §§ 9.1-102, 9.1-184, 22.1-79.4, and 22.1-279.8 of the Code of Virginia are amended and reenacted as follows:

§ 9.1-102. Powers and duties of the Board and the Department.

The Department, under the direction of the Board, which shall be the policy-making body for carrying out the duties and powers hereunder, shall have the power and duty to:

1. Adopt regulations, pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), for the administration of this chapter including the authority to require the submission of reports and information by law-enforcement officers within the Commonwealth. Any proposed regulations concerning the privacy, confidentiality, and security of criminal justice information shall be submitted for review and comment to any board, commission, or committee or other body which may be established by the General Assembly to regulate the privacy, confidentiality, and security of information collected and maintained by the Commonwealth or any political subdivision thereof;

2. Establish compulsory minimum training standards subsequent to employment as a law-enforcement officer in (i) permanent positions, and (ii) temporary or probationary status, and establish the time required for completion of such training;

3. Establish minimum training standards and qualifications for certification and recertification for law-enforcement officers serving as field training officers;

4. Establish compulsory minimum curriculum requirements for in-service and advanced courses and programs for schools, whether located in or outside the Commonwealth, which are operated for the specific purpose of training law-enforcement officers;

5. Establish (i) compulsory minimum training standards for law-enforcement officers who utilize radar or an electrical or microcomputer device to measure the speed of motor vehicles as provided in § 46.2-882 and establish the time required for completion of the training and (ii) compulsory minimum qualifications for certification and recertification of instructors who provide such training;

6. Establish compulsory training courses for law-enforcement officers in laws and procedures relating to entrapment, search and seizure, evidence, and techniques of report writing, which training shall be completed by law-enforcement officers who have not completed the compulsory training standards set out in subdivision 2, prior to assignment of any such officers to undercover investigation work. Failure to complete the training shall not, for that reason, constitute grounds to exclude otherwise properly admissible testimony or other evidence from such officer resulting from any undercover investigation;

7. Establish compulsory minimum entry-level, in-service and advanced training standards for those persons designated to provide courthouse and courtroom security pursuant to the provisions of § 53.1-120, and to establish the time required for completion of such training;

8. Establish compulsory minimum entry-level, in-service and advanced training standards for deputy sheriffs designated to serve process pursuant to the provisions of § 8.01-293, and establish the time required for the completion of such training;

9. Establish compulsory minimum entry-level, in-service, and advanced training standards, as well as the time required for completion of such training, for persons employed as deputy sheriffs and jail officers by local criminal justice agencies, correctional officers employed by the Department of Corrections under the provisions of Title 53.1, and juvenile correctional officers employed at a juvenile correctional facility as the term is defined in § 66-25.3;

10. Establish compulsory minimum training standards for all dispatchers employed by or in any local or state government agency, whose duties include the dispatching of law-enforcement personnel. Such training standards shall apply only to dispatchers hired on or after July 1, 1988;

11. Establish compulsory minimum training standards for all auxiliary police officers employed by or in any local or state government agency. Such training shall be graduated and based on the type of duties to be performed by the auxiliary police officers. Such training standards shall not apply to auxiliary police officers exempt pursuant to § 15.2-1731;

INTRODUCED

SB390

59 12. Consult and cooperate with counties, municipalities, agencies of the Commonwealth, other state
60 and federal governmental agencies, and with universities, colleges, community colleges, and other
61 institutions, whether located in or outside the Commonwealth, concerning the development of police
62 training schools and programs or courses of instruction;

63 13. Approve institutions, curricula and facilities, whether located in or outside the Commonwealth,
64 for school operation for the specific purpose of training law-enforcement officers; but this shall not
65 prevent the holding of any such school whether approved or not;

66 14. Establish and maintain police training programs through such agencies and institutions as the
67 Board deems appropriate;

68 15. Establish compulsory minimum qualifications of certification and recertification for instructors in
69 criminal justice training schools approved by the Department;

70 16. Conduct and stimulate research by public and private agencies which shall be designed to
71 improve police administration and law enforcement;

72 17. Make recommendations concerning any matter within its purview pursuant to this chapter;

73 18. Coordinate its activities with those of any interstate system for the exchange of criminal history
74 record information, nominate one or more of its members to serve upon the council or committee of any
75 such system, and participate when and as deemed appropriate in any such system's activities and
76 programs;

77 19. Conduct inquiries and investigations it deems appropriate to carry out its functions under this
78 chapter and, in conducting such inquiries and investigations, may require any criminal justice agency to
79 submit information, reports, and statistical data with respect to its policy and operation of information
80 systems or with respect to its collection, storage, dissemination, and usage of criminal history record
81 information and correctional status information, and such criminal justice agencies shall submit such
82 information, reports, and data as are reasonably required;

83 20. Conduct audits as required by § 9.1-131;

84 21. Conduct a continuing study and review of questions of individual privacy and confidentiality of
85 criminal history record information and correctional status information;

86 22. Advise criminal justice agencies and initiate educational programs for such agencies with respect
87 to matters of privacy, confidentiality, and security as they pertain to criminal history record information
88 and correctional status information;

89 23. Maintain a liaison with any board, commission, committee, or other body which may be
90 established by law, executive order, or resolution to regulate the privacy and security of information
91 collected by the Commonwealth or any political subdivision thereof;

92 24. Adopt regulations establishing guidelines and standards for the collection, storage, and
93 dissemination of criminal history record information and correctional status information, and the privacy,
94 confidentiality, and security thereof necessary to implement state and federal statutes, regulations, and
95 court orders;

96 25. Operate a statewide criminal justice research center, which shall maintain an integrated criminal
97 justice information system, produce reports, provide technical assistance to state and local criminal
98 justice data system users, and provide analysis and interpretation of criminal justice statistical
99 information;

100 26. Develop a comprehensive, statewide, long-range plan for strengthening and improving law
101 enforcement and the administration of criminal justice throughout the Commonwealth, and periodically
102 update that plan;

103 27. Cooperate with, and advise and assist, all agencies, departments, boards and institutions of the
104 Commonwealth, and units of general local government, or combinations thereof, including planning
105 district commissions, in planning, developing, and administering programs, projects, comprehensive
106 plans, and other activities for improving law enforcement and the administration of criminal justice
107 throughout the Commonwealth, including allocating and subgranting funds for these purposes;

108 28. Define, develop, organize, encourage, conduct, coordinate, and administer programs, projects and
109 activities for the Commonwealth and units of general local government, or combinations thereof, in the
110 Commonwealth, designed to strengthen and improve law enforcement and the administration of criminal
111 justice at every level throughout the Commonwealth;

112 29. Review and evaluate programs, projects, and activities, and recommend, where necessary,
113 revisions or alterations to such programs, projects, and activities for the purpose of improving law
114 enforcement and the administration of criminal justice;

115 30. Coordinate the activities and projects of the state departments, agencies, and boards of the
116 Commonwealth and of the units of general local government, or combination thereof, including planning
117 district commissions, relating to the preparation, adoption, administration, and implementation of
118 comprehensive plans to strengthen and improve law enforcement and the administration of criminal
119 justice;

120 31. Do all things necessary on behalf of the Commonwealth and its units of general local

121 government, to determine and secure benefits available under the Omnibus Crime Control and Safe
122 Streets Act of 1968 (P.L. 90-351, 82 Stat. 197), as amended, and under any other federal acts and
123 programs for strengthening and improving law enforcement, the administration of criminal justice, and
124 delinquency prevention and control;

125 32. Receive, administer, and expend all funds and other assistance available to the Board and the
126 Department for carrying out the purposes of this chapter and the Omnibus Crime Control and Safe
127 Streets Act of 1968, as amended;

128 33. Apply for and accept grants from the United States government or any other source in carrying
129 out the purposes of this chapter and accept any and all donations both real and personal, and grants of
130 money from any governmental unit or public agency, or from any institution, person, firm or
131 corporation, and may receive, utilize and dispose of the same. Any arrangements pursuant to this section
132 shall be detailed in the annual report of the Board. Such report shall include the identity of the donor,
133 the nature of the transaction, and the conditions, if any. Any moneys received pursuant to this section
134 shall be deposited in the state treasury to the account of the Department. To these ends, the Board shall
135 have the power to comply with conditions and execute such agreements as may be necessary;

136 34. Make and enter into all contracts and agreements necessary or incidental to the performance of
137 its duties and execution of its powers under this chapter, including but not limited to, contracts with the
138 United States, units of general local government or combinations thereof, in Virginia or other states, and
139 with agencies and departments of the Commonwealth;

140 35. Adopt and administer reasonable regulations for the planning and implementation of programs
141 and activities and for the allocation, expenditure and subgranting of funds available to the
142 Commonwealth and to units of general local government, and for carrying out the purposes of this
143 chapter and the powers and duties set forth herein;

144 36. Certify and decertify law-enforcement officers in accordance with §§ 15.2-1706 and 15.2-1707;

145 37. Establish training standards and publish a model policy for law-enforcement personnel in the
146 handling of family abuse, domestic violence, sexual assault and stalking cases, including standards for
147 determining the predominant physical aggressor in accordance with § 19.2-81.3. The Department shall
148 provide technical support and assistance to law-enforcement agencies in carrying out the requirements
149 set forth in § 9.1-1301 and shall by December 1, 2009, submit a report on the status of implementation
150 of these requirements to the chairmen of the House and Senate Courts of Justice Committees;

151 38. Establish training standards and publish a model policy for law-enforcement personnel in
152 communicating with and facilitating the safe return of individuals diagnosed with Alzheimer's disease;

153 39. Establish compulsory training standards for basic training and the recertification of
154 law-enforcement officers to ensure sensitivity to and awareness of cultural diversity and the potential for
155 biased policing;

156 40. Review and evaluate community-policing programs in the Commonwealth, and recommend where
157 necessary statewide operating procedures, guidelines, and standards which strengthen and improve such
158 programs, including sensitivity to and awareness of cultural diversity and the potential for biased
159 policing;

160 41. Publish and disseminate a model policy or guideline that may be used by state and local agencies
161 to ensure that law-enforcement personnel are sensitive to and aware of cultural diversity and the
162 potential for biased policing;

163 42. Establish a Virginia Law-Enforcement Accreditation Center. The Center may, in cooperation with
164 Virginia law-enforcement agencies, provide technical assistance and administrative support, including
165 staffing, for the establishment of voluntary state law-enforcement accreditation standards. The Center
166 may provide accreditation assistance and training, resource material, and research into methods and
167 procedures that will assist the Virginia law-enforcement community efforts to obtain Virginia
168 accreditation status;

169 43. Promote community policing philosophy and practice throughout the Commonwealth by
170 providing community policing training and technical assistance statewide to all law-enforcement
171 agencies, community groups, public and private organizations and citizens; developing and distributing
172 innovative policing curricula and training tools on general community policing philosophy and practice
173 and contemporary critical issues facing Virginia communities; serving as a consultant to Virginia
174 organizations with specific community policing needs; facilitating continued development and
175 implementation of community policing programs statewide through discussion forums for community
176 policing leaders, development of law-enforcement instructors; promoting a statewide community policing
177 initiative; and serving as a statewide information source on the subject of community policing including,
178 but not limited to periodic newsletters, a website and an accessible lending library;

179 44. Establish, in consultation with the Department of Education and the Virginia State Crime
180 Commission, compulsory minimum standards for employment and job-entry and in-service training
181 curricula and certification requirements for school security officers, which training and certification shall

182 be administered by the Virginia Center for School *and Campus* Safety pursuant to § 9.1-184. Such
183 training standards shall include, but shall not be limited to, the role and responsibility of school security
184 officers, relevant state and federal laws, school and personal liability issues, security awareness in the
185 school environment, mediation and conflict resolution, disaster and emergency response, and student
186 behavioral dynamics. The Department shall establish an advisory committee consisting of local school
187 board representatives, principals, superintendents, and school security personnel to assist in the
188 development of these standards and certification requirements;

189 45. Establish training standards and publish a model policy and protocols for local and regional
190 sexual assault response teams;

191 46. License and regulate property bail bondsmen and surety bail bondsmen in accordance with
192 Article 11 (§ 9.1-185 et seq.);

193 47. License and regulate bail enforcement agents in accordance with Article 12 (§ 9.1-186 et seq.);

194 48. In conjunction with the Virginia State Police and the State Compensation Board, advise criminal
195 justice agencies regarding the investigation, registration, and dissemination of information requirements
196 as they pertain to the Sex Offender and Crimes Against Minors Registry Act (§ 9.1-900 et seq.);

197 49. Establish minimum standards for (i) employment, (ii) job-entry and in-service training curricula,
198 and (iii) certification requirements for campus security officers. Such training standards shall include, but
199 not be limited to, the role and responsibility of campus security officers, relevant state and federal laws,
200 school and personal liability issues, security awareness in the campus environment, and disaster and
201 emergency response. The Department shall provide technical support and assistance to campus police
202 departments and campus security departments on the establishment and implementation of policies and
203 procedures, including but not limited to: the management of such departments, investigatory procedures,
204 judicial referrals, the establishment and management of databases for campus safety and security
205 information sharing, and development of uniform record keeping for disciplinary records and statistics,
206 such as campus crime logs, judicial referrals and Clery Act statistics. The Department shall establish an
207 advisory committee consisting of college administrators, college police chiefs, college security
208 department chiefs, and local law-enforcement officials to assist in the development of the standards and
209 certification requirements and training pursuant to this subdivision;

210 50. Establish compulsory training standards and publish a model policy for law-enforcement
211 personnel regarding death notification;

212 51. Assess and report, in accordance with § 9.1-190, the crisis intervention team programs established
213 pursuant to § 9.1-187;

214 52. Establish, publish, and disseminate a model policy or guideline for law-enforcement personnel for
215 questioning individuals suspected of driving while intoxicated concerning the physical location of that
216 individual's last consumption of an alcoholic beverage and for communicating that information to the
217 Alcoholic Beverage Control Board;

218 53. Establish training standards and publish a model policy for law-enforcement personnel assigned
219 to vehicle patrol duties that embody current best practices for pursuits and for responding to emergency
220 calls;

221 54. Establish training standards and publish a model policy for law-enforcement personnel involved
222 in criminal investigations that embody current best practices for conducting photographic and live
223 lineups;

224 55. In conjunction with the Office of the Attorney General, advise law-enforcement agencies and
225 attorneys for the Commonwealth regarding the identification, investigation, and prosecution of human
226 trafficking offenses using the common law and existing criminal statutes in the Code of Virginia;

227 56. Register tow truck drivers in accordance with § 46.2-116 and carry out the provisions of
228 § 46.2-117; and

229 57. Perform such other acts as may be necessary or convenient for the effective performance of its
230 duties.

231 **§ 9.1-184. Virginia Center for School and Campus Safety created; duties.**

232 A. From such funds as may be appropriated, the Virginia Center for School *and Campus* Safety (the
233 Center) is hereby established within the Department. The Center shall:

234 1. Provide training for Virginia public school personnel in school safety, on evidence-based
235 antibullying tactics, and in the effective identification of students who may be at risk for violent
236 behavior and in need of special services or assistance;

237 2. Serve as a resource and referral center for Virginia school divisions by conducting research,
238 sponsoring workshops, and providing information regarding current school safety concerns, such as
239 conflict management and peer mediation, bullying, school facility design and technology, current state
240 and federal statutory and regulatory school safety requirements, and legal and constitutional issues
241 regarding school safety and individual rights;

242 3. Maintain and disseminate information to local school divisions on effective school safety
243 initiatives in Virginia and across the nation;

244 4. Collect, analyze, and disseminate various Virginia school safety data, including school safety audit
245 information submitted to it pursuant to § 22.1-279.8, collected by the Department;

246 5. Encourage the development of partnerships between the public and private sectors to promote
247 school safety in Virginia;

248 6. Provide technical assistance to Virginia school divisions in the development and implementation of
249 initiatives promoting school safety, including threat assessment-based protocols with such funds as may
250 be available for such purpose;

251 7. Develop a memorandum of understanding between the Director of the Department of Criminal
252 Justice Services and the Superintendent of Public Instruction to ensure collaboration and coordination of
253 roles and responsibilities in areas of mutual concern, such as school safety audits and crime prevention;

254 8. Provide training for and certification of school security officers, as defined in § 9.1-101 and
255 consistent with § 9.1-110;

256 9. Develop, in conjunction with the Department of State Police, the Department of Behavioral Health
257 and Developmental Services, and the Department of Education, a model critical incident response
258 training program for public school personnel and others providing services to schools that shall also be
259 made available to private schools in the Commonwealth; and

260 10. In consultation with the Department of Education, provide schools with a model policy for the
261 establishment of threat assessment teams, including procedures for the assessment of and intervention
262 with students whose behavior poses a threat to the safety of school staff or students.

263 B. All agencies of the Commonwealth shall cooperate with the Center and, upon request, assist the
264 Center in the performance of its duties and responsibilities.

265 **§ 22.1-79.4. Threat assessment teams and oversight committees.**

266 A. Each local school board shall adopt policies for the establishment of threat assessment teams,
267 including the assessment of and intervention with students whose behavior may pose a threat to the
268 safety of school staff or students consistent with the model policies developed by the Virginia Center for
269 School and Campus Safety in accordance with § 9.1-184. Such policies shall include procedures for
270 referrals to community services boards or health care providers for evaluation or treatment, when
271 appropriate.

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

276 C. Each division superintendent shall establish, for each school, a threat assessment team that shall
277 include persons with expertise in counseling, instruction, school administration, and law enforcement.
278 Threat assessment teams may be established to serve one or more schools as determined by the division
279 superintendent. Each team shall (i) provide guidance to students, faculty, and staff regarding recognition
280 of threatening or aberrant behavior that may represent a threat to the community, school, or self; (ii)
281 identify members of the school community to whom threatening behavior should be reported; and (iii)
282 implement policies adopted by the local school board pursuant to subsection A.

283 D. Upon a preliminary determination that a student poses a threat of violence or physical harm to
284 self or others, a threat assessment team shall immediately report its determination to the division
285 superintendent or his designee. The division superintendent or his designee shall immediately attempt to
286 notify the student's parent or legal guardian. Nothing in this subsection shall preclude school division
287 personnel from acting immediately to address an imminent threat.

288 E. Each threat assessment team established pursuant to this section shall report quantitative data on
289 its activities according to guidance developed by the Department of Criminal Justice Services.

290 **§ 22.1-279.8. School safety audits and school crisis, emergency management, and medical
291 emergency response plans required.**

292 A. For the purposes of this section, unless the context requires otherwise:

293 "School crisis, emergency management, and medical emergency response plan" means the essential
294 procedures, operations, and assignments required to prevent, manage, and respond to a critical event or
295 emergency, including natural disasters involving fire, flood, tornadoes, or other severe weather; loss or
296 disruption of power, water, communications or shelter; bus or other accidents; medical emergencies,
297 including cardiac arrest and other life-threatening medical emergencies; student or staff member deaths;
298 explosions; bomb threats; gun, knife or other weapons threats; spills or exposures to hazardous
299 substances; the presence of unauthorized persons or trespassers; the loss, disappearance or kidnapping of
300 a student; hostage situations; violence on school property or at school activities; incidents involving acts
301 of terrorism; and other incidents posing a serious threat of harm to students, personnel, or facilities. The
302 plan shall include a provision that the Department of Criminal Justice Services and the Virginia Criminal
303 Injuries Compensation Fund shall be contacted immediately to deploy assistance in the event of an
304 emergency as defined in the emergency response plan when there are victims as defined in § 19.2-11.01.

305 The Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund
306 shall be the lead coordinating agencies for those individuals determined to be victims, and the plan shall
307 also contain current contact information for both agencies.

308 "School safety audit" means a written assessment of the safety conditions in each public school to (i)
309 identify and, if necessary, develop solutions for physical safety concerns, including building security
310 issues and (ii) identify and evaluate any patterns of student safety concerns occurring on school property
311 or at school-sponsored events. Solutions and responses shall include recommendations for structural
312 adjustments, changes in school safety procedures, and revisions to the school board's standards for
313 student conduct.

314 B. The Virginia Center for School *and Campus* Safety, in consultation with the Department of
315 Education, shall develop a list of items to be reviewed and evaluated in the school safety audits required
316 by this section. Such items shall include those incidents reported to school authorities pursuant to
317 § 22.1-279.3:1 and shall include a school inspection walk-through using a standardized checklist
318 provided by the Virginia Center for School *and Campus* Safety, which shall incorporate crime
319 prevention through environmental design principles.

320 The Virginia Center for School *and Campus* Safety shall prescribe a standardized report format for
321 school safety audits, additional reporting criteria, and procedures for report submission, which may
322 include instructions for electronic submission.

323 Each local school board shall require all schools under its supervisory control to annually conduct
324 school safety audits as defined in this section and consistent with such list.

325 The results of such school safety audits shall be made public within 90 days of completion. The
326 local school board shall retain authority to withhold or limit the release of any security plans,
327 walk-through checklists, and specific vulnerability assessment components as provided in subdivision 7
328 of § 2.2-3705.2. The completed walk-through checklist shall be made available upon request to the chief
329 law-enforcement officer of the locality or his designee. Each school shall maintain a copy of the school
330 safety audit, which may exclude such security plans, walk-through checklists, and vulnerability
331 assessment components, within the office of the school principal and shall make a copy of such report
332 available for review upon written request.

333 Each school shall submit a copy of its school safety audit to the relevant school division
334 superintendent. The division superintendent shall collate and submit all such school safety audits, in the
335 prescribed format and manner of submission, to the Virginia Center for School *and Campus* Safety and
336 shall make available upon request to the chief law-enforcement officer of the locality the results of such
337 audits.

338 C. The division superintendent shall establish a school safety audit committee to include, if available,
339 representatives of parents, teachers, local law-enforcement, emergency services agencies, local
340 community services boards, and judicial and public safety personnel. The school safety audit committee
341 shall review the completed school safety audits and submit any plans, as needed, for improving school
342 safety to the division superintendent for submission to the local school board.

343 D. Each school board shall ensure that every school that it supervises shall develop a written school
344 crisis, emergency management, and medical emergency response plan, consistent with the definition
345 provided in this section, and shall provide copies of such plans to the chief law-enforcement officer, the
346 fire chief, the chief emergency medical services official, and the emergency management official of the
347 locality. Each school division shall designate an emergency manager. The Department of Education and
348 the Virginia Center for School *and Campus* Safety shall provide technical assistance to the school
349 divisions of the Commonwealth in the development of the school crisis, emergency management, and
350 medical emergency response plans that describe the components of a medical emergency response plan
351 developed in coordination with local emergency medical services providers, the training of school
352 personnel and students to respond to a life-threatening emergency, and the equipment required for this
353 emergency response. The local school board shall annually review the written school crisis, emergency
354 management, and medical emergency response plans. The local school board shall have the authority to
355 withhold or limit the review of any security plans and specific vulnerability assessment components as
356 provided in subdivision 7 of § 2.2-3705.2. The local school division superintendent shall certify this
357 review in writing to the Virginia Center on School *and Campus* Safety no later than August 31 of each
358 year.

359 Upon consultation with local school boards, division superintendents, the Virginia Center for School
360 *and Campus* Safety, and the Coordinator of Emergency Management, the Board of Education shall
361 develop, and may revise as it deems necessary, a model school crisis, emergency management, and
362 medical emergency response plan for the purpose of assisting the public schools in Virginia in
363 developing viable, effective crisis, emergency management, and medical emergency response plans. Such
364 model shall set forth recommended effective procedures and means by which parents can contact the
365 relevant school or school division regarding the location and safety of their school children and by
366 which school officials may contact parents, with parental approval, during a critical event or emergency.