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## SENATE BILL NO. 1122

Senate Amendments in [ ] — February 10, 2015

A *BILL to amend and reenact §§ 23-9.2:3 and 23-9.2:8 of the Code of Virginia, relating to public institutions of higher education; parental notification of student's suicidal tendencies.*

Patron Prior to Engrossment—Senator Barker

Referred to Committee on Education and Health

**Be it enacted by the General Assembly of Virginia:****1. That §§ 23-9.2:3 and 23-9.2:8 of the Code of Virginia are amended and reenacted as follows:****§ 23-9.2:3. Power of governing body of educational institution to establish rules and regulations; offenses occurring on property of institution; state direct student financial assistance; release of educational records.**

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

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

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

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

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

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

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

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

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

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

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

C. Notwithstanding any other provision of state law, the board of visitors or other governing body of every public institution of higher education in Virginia shall establish policies and procedures requiring the notification of the:

1. The parent of a dependent student when such student receives mental health treatment at the institution's student health or counseling center and such treatment becomes part of the student's educational record in accordance with the federal Health Insurance Portability and Accountability Act (42 U.S.C. § 1320d et seq.) and may be disclosed without prior consent as authorized by the federal Family Educational Rights and Privacy Act (20 U.S.C. § 1232g) and related regulations (34 C.F.R. Part 99). Such notification shall only be required if it is determined that there exists a substantial likelihood that, as a result of mental illness the student will, in the near future, (i) cause serious physical harm to himself or others as evidenced by recent behavior or any other relevant information or (ii) suffer serious harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs. However, notification may be withheld if any person licensed to diagnose and treat mental, emotional, or behavioral disorders by a health regulatory board within the Department of Health Professions who is

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60 treating the student has made a part of the student's record a written statement that, in the exercise of  
61 his professional judgment, the notification would be reasonably likely to cause substantial harm to the  
62 student or another person.

63 2. *The parent of a dependent student when the institution obtains information outside the mental*  
64 *health treatment setting that such student is exhibiting suicidal tendencies if knowledge of the*  
65 *information is necessary to protect the health or safety of the student or other individuals [ as permitted*  
66 *by the federal Family Educational Rights and Privacy Act and related regulations. However, notification*  
67 *may be withheld if any person designated by the board or other governing body who is licensed to*  
68 *diagnose and treat mental, emotional, or behavioral disorders by a health regulatory board within the*  
69 *Department of Health Professions has provided a written statement that, in his professional judgment,*  
70 *notification would be reasonably likely to cause substantial harm to the student or another person] .*

71 No public institution of higher education or employee of a public institution of higher education  
72 making a disclosure pursuant to this subsection shall be civilly liable for any harm resulting from such  
73 disclosure unless such disclosure constitutes gross negligence or willful misconduct by the institution or  
74 its employees.

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

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

83 F. The board of visitors or other governing body of every public institution of higher education shall  
84 not refer a student account to collections for nonpayment before required by the provisions of  
85 § 2.2-4806. This subsection shall not apply to public institutions of higher education that have entered  
86 into Management Agreements with the Commonwealth.

87 **§ 23-9.2:8. Student mental health policies.**

88 A. The governing board of each public institution of higher education shall develop and implement  
89 policies that advise students, faculty, and staff, including residence hall staff, of the proper procedures  
90 for identifying and addressing the needs of students exhibiting suicidal tendencies or behavior, and  
91 provide for training, where appropriate. *Such policies shall require, pursuant to § 23-9.2:3, notifying the*  
92 *parent of a student or other appropriate person when a student exhibits suicidal tendencies if knowledge*  
93 *of the information is necessary to protect the health or safety of the student or other individuals.*

94 B. The governing board of each public four-year institution of higher education shall establish a  
95 written memorandum of understanding with its local community services board or behavioral health  
96 authority and with local hospitals and other local mental health facilities in order to expand the scope of  
97 services available to students seeking treatment. The memorandum shall designate a contact person to be  
98 notified when a student is involuntarily committed, or when a student is discharged from a facility and  
99 consents to such notification. The memorandum shall also provide for the inclusion of the institution in  
100 the post-discharge planning of a student who has been committed and intends to return to campus, to the  
101 extent allowable under state and federal privacy laws.