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HOUSE BILL NO. 382

Offered January 13, 2016

Prefiled January 6, 2016

A BILL to amend and reenact §§ 2.2-602 and 23-9.2:3 of the Code of Virginia, relating to control of firearms by state agencies; rights of employees.

Patrons—Fowler, Edmunds and Freitas

Referred to Committee on Militia, Police and Public Safety

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-602 and 23-9.2:3 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-602. Duties of agencies and their appointing authorities.

The heads of state agencies shall be the appointing authorities of the respective agencies, and shall establish and maintain within their agencies methods of administration relating to the establishment and maintenance of personnel standards on a merit basis that are approved by the Governor for the proper and efficient enforcement of the Virginia Personnel Act (§ 2.2-2900 et seq.). But the Governor shall exercise no authority with respect to the selection or tenure of office of any individual employed in accordance with such methods, except when the Governor is the appointing authority.

Appointing authorities may assign to the personnel officers or to other officers and employees of their agencies such personnel duties as they see fit.

Agencies shall establish and maintain rosters of their employees that shall set forth, as to each employee, the class title, pay and status and such other data as they may deem desirable to produce significant facts pertaining to personnel administration.

Agencies shall establish and maintain such promotion and employment lists, rated according to merit and fitness, as they deem desirable. Agencies may make use of the employment list kept by the Department of Human Resource Management in lieu of keeping employment lists for their agencies.

Agencies shall supply the Governor with any information he deems necessary for the performance of his duties in connection with the administration of Virginia Personnel Act (§ 2.2-2900 et seq.).

No agency shall adopt any regulation or workplace rule that prevents an officer or employee of such agency from storing at that agency's workplace a lawfully possessed firearm and ammunition in a locked private motor vehicle unless the adoption of such regulation or rule is expressly authorized by statute. Any such regulation or rule adopted prior to July 1, 2016, is invalid.

§ 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

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59 the Office of the Attorney General, to promote the awareness and prevention of sexual crimes
60 committed upon students.

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

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

67 C. Notwithstanding any other provision of state law, the board of visitors or other governing body of
68 every public institution of higher education in Virginia shall establish policies and procedures requiring
69 the notification of the parent of a dependent student when such student receives mental health treatment
70 at the institution's student health or counseling center and such treatment becomes part of the student's
71 educational record in accordance with the federal Health Insurance Portability and Accountability Act
72 (42 U.S.C. § 1320d et seq.) and may be disclosed without prior consent as authorized by the federal
73 Family Educational Rights and Privacy Act (20 U.S.C. § 1232g) and related regulations (34 C.F.R. Part
74 99). Such notification shall only be required if it is determined that there exists a substantial likelihood
75 that, as a result of mental illness the student will, in the near future, (i) cause serious physical harm to
76 himself or others as evidenced by recent behavior or any other relevant information or (ii) suffer serious
77 harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs.
78 However, notification may be withheld if any person licensed to diagnose and treat mental, emotional,
79 or behavioral disorders by a health regulatory board within the Department of Health Professions who is
80 treating the student has made a part of the student's record a written statement that, in the exercise of
81 his professional judgment, the notification would be reasonably likely to cause substantial harm to the
82 student or another person. No public institution of higher education or employee of a public institution
83 of higher education making a disclosure pursuant to this subsection shall be civilly liable for any harm
84 resulting from such disclosure unless such disclosure constitutes gross negligence or willful misconduct
85 by the institution or its employees.

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

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

94 F. The board of visitors or other governing body of every public institution of higher education shall
95 not refer a student account to collections for nonpayment before required by the provisions of
96 § 2.2-4806. This subsection shall not apply to public institutions of higher education that have entered
97 into Management Agreements with the Commonwealth.

98 *G. No board of visitors or other governing body of any public institution of higher education shall*
99 *establish any rule or regulation that prevents an officer or employee of such institution from storing at*
100 *that institution's workplace a lawfully possessed firearm and ammunition in a locked private motor*
101 *vehicle unless the establishment of such rule or regulation is expressly authorized by statute. Any such*
102 *rule or regulation adopted prior to July 1, 2016, is invalid.*