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HOUSE BILL NO. 2215

Offered January 23, 1995

A BILL to amend and reenact §§ 8.01-47 and 22.1-280.1 of the Code of Virginia, relating to reports by school personnel of certain incidents.

Patrons—Hamilton, Behm, Connally, Cooper, Councill, Diamonstein, Dillard, Fisher, Ingram, Jackson, Newman, Nixon, O'Brien, Sherwood, Wagner and Wardrup; Senator: Norment

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 8.01-47 and 22.1-280.1 of the Code of Virginia are amended and reenacted as follows:

§ 8.01-47. Immunity of school personnel investigating or reporting ~~alcohol or drug use~~ *certain incidents.*

In addition to any other immunity he may have, any teacher, instructor, principal, school administrator, school coordinator, guidance counselor or any other professional, administrative or clerical staff member or other personnel of any elementary or secondary school, or institution of higher learning who, in good faith with reasonable cause and without malice, acts to report, investigate or cause any investigation to be made into the activities of any student or students or any other person or persons as they relate to alcohol or drug use or abuse in or related to the school or institution or in connection with any school or institution activity, *or, in the case of principals or their designees, makes reports to local law enforcement officials as required by § 22.1-280.1,* shall be immune from all civil liability that might otherwise be incurred or imposed as the result of the making of such a report, investigation or disclosure.

§ 22.1-280.1. Reports of certain acts to school authorities *and local law enforcement officials.*

A. Any attempted or actual physical injury, including "unlawful woundings," maimings, and homicides, other than involuntary manslaughter, committed by a student on school personnel shall be reported to the principal or his designee. Similar reports shall be made to the principal or his designee on all incidents involving (i) the death, shooting, stabbing, cutting, or wounding of any person; (ii) any conduct involving alcohol, marijuana, a controlled substance, imitation controlled substance, or an anabolic steroid on a school bus, on school property, or at a school-sponsored activity; (iii) any threats against school personnel while on a school bus, on school property or at a school-sponsored activity; or (iv) the illegal carrying of a firearm onto school property. The principal or his designee shall *promptly report these incidents to local law enforcement officials and shall* semiannually submit a report of all such incidents to the superintendent of the school division. The division superintendent shall annually report all such incidents to the Department of Education for the purpose of recording the frequency of such incidents on forms which shall be provided by the Department. A division superintendent who knowingly fails to comply or secure compliance with the reporting requirements of this section shall be subject to the sanctions authorized in § 22.1-65.

B. A statement providing a procedure and the purpose for the requirements of subsection A shall be included in the policy manual of all school divisions.

The Board of Education shall promulgate regulations to implement this section including, but not limited to, the reporting date and the format of the reports *to division superintendents.*

INTRODUCED

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