

LD2153649

HOUSE BILL NO. 2508

FLOOR AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by Senator Earley
on February 21, 1995)

(Patron Prior to Substitute—Delegate Dillard)

A BILL to amend and reenact § 22.1-280.1 of the Code of Virginia, and to amend the Code of Virginia by adding a section numbered 22.1-280.2:1, relating to reports and prevention of crime and violence on school property and during school-sponsored events, and voluntary, random testing for controlled substance and alcohol use in public schools.

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-280.1 of the Code of Virginia is amended and reenacted, and that the Code of Virginia is amended by adding a section numbered 22.1-280.2:1 as follows:

§ 22.1-280.1. Reports of certain acts to school authorities.

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 assault, assault and battery, sexual assault, death, shooting, stabbing, cutting, or wounding of any person on a school bus, on school property, or at a school-sponsored activity; (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 ~~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~~ subsection shall be subject to the sanctions authorized in § 22.1-65.

B. The principal or his designee shall notify the parent of any student involved in an incident required by subsection A to be reported, regardless of whether disciplinary action is taken against such student or the nature of the disciplinary action. Such notice shall relate to only the relevant student's involvement and shall not include information concerning other students.

Whenever any student commits any reportable incident as set forth in this section, such student shall be required to participate in such prevention and intervention activities as deemed appropriate by the superintendent or his designee. Prevention and intervention activities shall be identified in the local school division's drug and violence prevention plans developed pursuant to the federal Improving America's Schools Act of 1994 (Title IV - "Safe and Drug-Free Schools and Communities Act").

C. Division superintendents shall report to the local law-enforcement agency any act enumerated in subsection A which may constitute a criminal offense.

D. All school boards shall develop, in cooperation with the local law-enforcement agencies, juvenile and domestic relations court judges and personnel, parents, and the community at large, programs to prevent violence and crime on school property and at school-sponsored events. Activities designed to prevent the recurrence of violence and crime may include such interventions as school crime lines, peer mediation, conflict resolution, community service requirements, and any program focused on demonstrating the consequences of violence and crime.

E. A statement providing a procedure and the purpose for the requirements of ~~subsection A~~ this section 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 establishing reporting date and the format of the reports~~ dates and report formats.

F. School boards may develop and use a network of volunteer services in implementing the prevention activities required by subsection D.

G. For the purposes of this section, "parent" or "parents" means any parent, guardian or other person having control or charge of a child.

§ 22.1-280.2:1. Programs for voluntary, random testing for controlled substance and alcohol use.

A. The Board of Education shall develop regulations authorizing local school boards to implement programs for the voluntary, random testing of students for controlled substance and alcohol use. Each school board may approve the implementation of a voluntary, random testing program in the particular school division pursuant to these regulations, and each public school in a school division in which such a program has been implemented shall be eligible to administer the program for the students attending

60 such school. Student participation in these programs shall be voluntary, and the consent of the student
61 or his parent or guardian to participate in the program shall be obtained pursuant to Board
62 regulations. Results of individual random tests shall be disclosed only to the participating student and
63 his parent or guardian. Comprehensive test results that do not identify individual students shall be made
64 available to schools administering such programs and the division superintendent. The costs of the
65 program shall be borne by funds that may be received or appropriated for this purpose and from fees
66 assessed and paid by those students voluntarily participating in such programs. No state and local
67 school basic aid funds shall be used to support the programs.

68 B. The Board of Education shall promulgate regulations for the implementation of such programs
69 pursuant to the Administrative Process Act (§ 9-6.14:1 et seq.) which shall include, but not be limited
70 to, the following: (i) criteria for developing school board policies which shall authorize and govern the
71 programs in the school division; (ii) requirements for student or parental consent for student
72 participation in a controlled substance and alcohol testing program; (iii) provisions to assist school
73 boards in determining the amount and payment of fees for participation in the program; (iv) standards
74 for ensuring the confidentiality of test results; (v) guidelines for agreements between participating
75 schools within the school division for joint administration of the program, and with laboratories or
76 companies providing testing, analysis, and data compilation services; and (vi) the provisions of relevant
77 state and federal laws, and constitutional rights.