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HOUSE BILL NO. 2344

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Appropriations)

(Patron Prior to Substitute—Delegate Cole)

House Amendments in [] — February 18, 2013

A BILL to amend and reenact §§ 9.1-184 and 23-9.2:10 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 22.1-79.4, relating to school safety; threat assessment teams and oversight committees.

Be it enacted by the General Assembly of Virginia:

1. That §§ 9.1-184 and 23-9.2:10 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 22.1-79.4 as follows:

§ 9.1-184. Virginia Center for School Safety created; duties.

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

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

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

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

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

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

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

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

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

9. Develop, in conjunction with the Department of State Police, the Department of Behavioral Health and Developmental Services, and the Department of Education, a model critical incident response training program for public school personnel and others providing services to schools; and

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

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

§ 22.1-79.4. Threat assessment teams and oversight committees [; ~~criminal history record information and health information~~].

A. Each local school division shall adopt policies and procedures for the establishment of threat assessment teams, including procedures for the assessment of and intervention with [~~individuals~~ students] whose behavior may pose a threat to the safety of school staff or students based on the model policies developed by the Virginia Center for School Safety in accordance with § 9.1-184.

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

C. Each division superintendent shall establish, either at the division or individual school level, for each school, a threat assessment team that shall include (i) persons with expertise in counseling, instruction, and school administration, and (ii) school resource or local law-enforcement officers. Each team shall (a) provide guidance to students, faculty, and staff regarding recognition of threatening or

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60 aberrant behavior that may represent a threat to the community, school, or self; (b) identify members of
61 the school community to whom threatening behavior should be reported; and (c) develop policies and
62 procedures for the assessment of [~~individuals~~ students] whose behavior may present a threat,
63 appropriate means of intervention with such [~~individuals~~ students] , and sufficient means of action to
64 resolve potential threats, which include referrals to community services boards or health care providers
65 for evaluation or treatment.

66 D. Upon a preliminary determination that [~~an individual~~ a student] poses a threat of violence or
67 physical harm to self or others, a threat assessment team shall immediately report its determination to
68 the division superintendent. [~~If such individual is a student of the school division, the~~ The]
69 superintendent shall immediately notify the [~~individual's~~ student's] parent or legal guardian.

70 **§ 23-9.2:10. Violence prevention committee; threat assessment team.**

71 A. Each public college or university shall have in place policies and procedures for the prevention of
72 violence on campus, including assessment and intervention with individuals whose behavior poses a
73 threat to the safety of the campus community.

74 B. The board of visitors or other governing body of each public institution of higher education shall
75 determine a committee structure on campus of individuals charged with education and prevention of
76 violence on campus. Each committee shall include representatives from student affairs, law enforcement,
77 human resources, counseling services, residence life, and other constituencies as needed. Such committee
78 shall also consult with legal counsel as needed. Once formed, each committee shall develop a clear
79 statement of: (i) mission, (ii) membership, and (iii) leadership. Such statement shall be published and
80 available to the campus community.

81 C. Each committee shall be charged with: (i) providing guidance to students, faculty, and staff
82 regarding recognition of threatening or aberrant behavior that may represent a threat to the community;
83 (ii) identification of members of the campus community to whom threatening behavior should be
84 reported; and (iii) policies and procedures for the assessment of individuals whose behavior may present
85 a threat, appropriate means of intervention with such individuals, and sufficient means of action,
86 including interim suspension, *referrals to community services boards or health care providers for*
87 *evaluation or treatment*, or medical separation to resolve potential threats.

88 D. The board of visitors or other governing body of each public institution of higher education shall
89 establish a specific threat assessment team that shall include members from law enforcement, mental
90 health professionals, representatives of student affairs and human resources, and, if available, college or
91 university counsel. Such team shall implement the assessment, intervention and action policies set forth
92 by the committee pursuant to subsection C.

93 E. Each threat assessment team shall establish relationships or utilize existing relationships with local
94 and state law-enforcement agencies as well as mental health agencies to expedite assessment and
95 intervention with individuals whose behavior may present a threat to safety. Upon a preliminary
96 determination that an individual poses a threat of violence to self or others, or exhibits significantly
97 disruptive behavior or need for assistance, a threat assessment team may obtain criminal history record
98 information, as provided in §§ 19.2-389 and 19.2-389.1, and health records, as provided in
99 § 32.1-127.1:03. No member of a threat assessment team shall redisclose any criminal history record
100 information or health information obtained pursuant to this section or otherwise use any record of an
101 individual beyond the purpose for which such disclosure was made to the threat assessment team.

102 F. Each threat assessment team established pursuant to this section shall report quantitative data on
103 its activities according to guidance developed by the Department of Criminal Justice Services in
104 coordination with the ~~Council on~~ State Council of Higher Education.