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## HOUSE BILL NO. 358

Offered January 13, 2016

Prefiled January 5, 2016

*A BILL to amend and reenact §§ 22.1-280.2:2 and 44-146.18 of the Code of Virginia, relating to school security funds; certain private elementary and secondary schools.*

Patron—Davis

Referred to Committee on Education

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 22.1-280.2:2 and 44-146.18 of the Code of Virginia are amended and reenacted as follows:**

**§ 22.1-280.2:2. School Security Equipment Grant Act.**

A. This section shall be known and may be cited as the "Public School Security Equipment Grant Act of 2013."

B. For purposes of this section:

"Authority" means the Virginia Public School Authority.

"Department" means the Department of Education.

"Eligible school division entity" means a (i) local school division or; (ii) regional vocational center, special education center, alternative education center, or academic year Governor's School serving public school students in grades K through 12; or (iii) nonsectarian private elementary or secondary school in the Commonwealth. The term shall also include the Virginia School for the Deaf and the Blind.

"Local school division" means a school division with schools subject to state accreditation and whose students are required to be reported in fall membership for grades K through 12.

C. The Authority shall issue bonds for the purpose of grant payments to eligible school divisions of the Commonwealth entities to be used exclusively for purchasing security equipment for schools, including any related installation, which is designed to improve and help ensure the safety of students attending public elementary and secondary schools in Virginia the Commonwealth. Such grants shall not be used to pay for security equipment that is not included or described in a grant application approved by the Department pursuant to subsection D. The amount of grants provided to each eligible school division entity pursuant to this section shall not exceed \$100,000 for each fiscal year of the Commonwealth. Funds for the payment of such grants shall be provided from the issuance of bonds by the Authority, provided that the Authority shall not issue more than an aggregate of \$6 million in bonds, after all costs, for such grants during each fiscal year of the Commonwealth. In addition, the Authority shall ensure that no more than an aggregate principal amount of \$30 million in bonds issued under this section shall be outstanding at any time. Eligible school divisions entities seeking a grant shall apply to the Department, which shall be responsible for administering the grant program.

The Authority shall work with the Department to determine the schedule for the issuance of the bonds, which shall be based in part upon eligible school divisions entities having sufficient funds to purchase such security equipment. The payment of debt service on such bonds shall be as provided in the general appropriation act.

Such grants shall be in addition to all other grants made to local governments, school boards, or school divisions, or nonsectarian private elementary or secondary schools according to law. In addition, such grants shall not replace or be in lieu of loans to local school boards or interest rate subsidy payments to local school boards pursuant to Chapter 11.1 (§ 22.1-175.1 et seq.) of Title 22.1, and the issuance of such bonds and the payment of such grants shall not, except as herein provided, affect or otherwise amend the provisions of such chapter as they relate to the powers and duties of the Authority, local school boards, local governments, or any other entity.

D. Based on the criteria developed by the Department in collaboration with the Department of Criminal Justice Services, eligible school divisions entities shall apply for a grant by August 1 of each year. As a condition of receiving a grant, a local match of 25 percent of the grant amount shall be required. The Superintendent of Public Instruction is authorized to reduce the local match for local school divisions with a composite index of local ability-to-pay less than 0.2000, including any such school division participating in a regional vocational center, special education center, alternative education center, or academic year Governor's School. The Virginia School for the Deaf and the Blind shall be exempt from the match requirement.

Grants shall be awarded by the Department on a competitive basis. As part of the application for a grant, each eligible school division entity shall (i) identify with specificity the security equipment for

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59 which grants are being sought, as well as the estimated costs to purchase and install the security  
60 equipment, and (ii) certify that it is the intent of the eligible ~~school division~~ *entity* to purchase the  
61 security equipment within six months of approval of any grant by the Department.

62 If the Department determines that a grant shall be paid to an eligible ~~school division~~ *entity* under this  
63 section, it shall provide a written certification to the chairman of the Authority directing him to make a  
64 grant payment in a specific amount to the eligible ~~school division~~ *entity*. The Department, however, shall  
65 not make such written certification until it has established that the Authority has sufficient funds to  
66 make such grant payment. The Authority shall only make grant payments to an eligible ~~school division~~  
67 *entity* for the grants provided under this section upon receipt of such written certification. The Authority  
68 shall make such grant payments, and in the amounts as directed by the Department, within 30 days of  
69 receipt of the certification.

70 E. The Department shall develop guidelines concerning the requirements for applying for a grant and  
71 the administration of such grants. Such guidelines shall not be subject to the Administrative Process Act  
72 (§ 2.2-4000 et seq.).

73 F. In the event that two or more local school divisions became one local school division, whether by  
74 consolidation of only the local school divisions or by consolidation of the local governments, such  
75 resulting local school division shall be eligible for grants on the basis of the same number of local  
76 school divisions as existed prior to September 30, 2012.

77 G. The Authority shall take all necessary and proper steps as it is authorized to take under law to  
78 carry out the provisions of this section.

79 H. Beginning in 2014, the Department shall make an annual report to the General Assembly by  
80 September 1 of each year reporting (i) the total grants paid during the immediately prior fiscal year to  
81 each eligible ~~school division~~ *entity* and (ii) a general description of the security equipment purchased by  
82 eligible ~~school divisions~~ *entities*.

83 **§ 44-146.18. Department of Emergency Services continued as Department of Emergency**  
84 **Management; administration and operational control; coordinator and other personnel; powers**  
85 **and duties.**

86 A. The State Office of Emergency Services is continued and shall hereafter be known as the  
87 Department of Emergency Management. Wherever the words "State Department of Emergency Services"  
88 are used in any law of the Commonwealth, they shall mean the Department of Emergency Management.  
89 During a declared emergency this Department shall revert to the operational control of the Governor.  
90 The Department shall have a coordinator who shall be appointed by and serve at the pleasure of the  
91 Governor and also serve as State Emergency Planning Director. The Department shall employ the  
92 professional, technical, secretarial, and clerical employees necessary for the performance of its functions.

93 B. The Department of Emergency Management shall in the administration of emergency services and  
94 disaster preparedness programs:

95 1. In coordination with political subdivisions and state agencies, ensure that the Commonwealth has  
96 up-to-date assessments and preparedness plans to prevent, respond to and recover from all disasters  
97 including acts of terrorism;

98 2. Conduct a statewide emergency management assessment in cooperation with political subdivisions,  
99 private industry and other public and private entities deemed vital to preparedness, public safety and  
100 security. The assessment shall include a review of emergency response plans, which include the variety  
101 of hazards, natural and man-made. The assessment shall be updated annually;

102 3. Submit to the Governor and to the General Assembly, no later than the first day of each regular  
103 session of the General Assembly, an annual executive summary and report on the status of emergency  
104 management response plans throughout the Commonwealth and other measures taken or recommended  
105 to prevent, respond to and recover from disasters, including acts of terrorism. This report shall be made  
106 available to the Division of Legislative Automated Systems for the processing of legislative documents  
107 and reports. Information submitted in accordance with the procedures set forth in subdivision 4 of §  
108 2.2-3705.2 shall not be disclosed unless:

109 a. It is requested by law-enforcement authorities in furtherance of an official investigation or the  
110 prosecution of a criminal act;

111 b. The agency holding the record is served with a proper judicial order; or

112 c. The agency holding the record has obtained written consent to release the information from the  
113 Department of Emergency Management;

114 4. Promulgate plans and programs that are conducive to adequate disaster mitigation preparedness,  
115 response and recovery programs;

116 5. Prepare and maintain a State Emergency Operations Plan for disaster response and recovery  
117 operations that assigns primary and support responsibilities for basic emergency services functions to  
118 state agencies, organizations and personnel as appropriate;

119 6. Coordinate and administer disaster mitigation, preparedness, response and recovery plans and  
120 programs with the proponent federal, state and local government agencies and related groups;

7. Provide guidance and assistance to state agencies and units of local government in developing and maintaining emergency management and continuity of operations (COOP) programs, plans and systems;

8. Make necessary recommendations to agencies of the federal, state, or local governments on preventive and preparedness measures designed to eliminate or reduce disasters and their impact;

9. Determine requirements of the Commonwealth and its political subdivisions for those necessities needed in the event of a declared emergency which are not otherwise readily available;

10. Assist state agencies and political subdivisions in establishing and operating training programs and programs of public information and education regarding emergency services and disaster preparedness activities;

11. Consult with the Board of Education regarding the development and revision of a model school crisis and emergency management plan for the purpose of assisting public schools in establishing, operating, and maintaining emergency services and disaster preparedness activities;

12. Consult with the State Council of Higher Education in the development and revision of a model institutional crisis and emergency management plan for the purpose of assisting public and private two-year and four-year institutions of higher education in establishing, operating, and maintaining emergency services and disaster preparedness activities and, as needed, in developing an institutional crisis and emergency management plan pursuant to § 23-9.2.9;

13. Develop standards, provide guidance and encourage the maintenance of local and state agency emergency operations plans, which shall include the requirement for a provision that the Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund be contacted immediately to deploy assistance in the event of an emergency as defined in the emergency response plan when there are victims as defined in § 19.2-11.01. The Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund shall be the lead coordinating agencies for those individuals determined to be victims, and the plan shall also contain current contact information for both agencies;

14. Prepare, maintain, coordinate or implement emergency resource management plans and programs with federal, state and local government agencies and related groups, and make such surveys of industries, resources, and facilities within the Commonwealth, both public and private, as are necessary to carry out the purposes of this chapter;

15. Coordinate with the federal government and any public or private agency or entity in achieving any purpose of this chapter and in implementing programs for disaster prevention, mitigation, preparation, response, and recovery;

16. Establish guidelines pursuant to § 44-146.28, and administer payments to eligible applicants as authorized by the Governor;

17. Coordinate and be responsible for the receipt, evaluation, and dissemination of emergency services intelligence pertaining to all probable hazards affecting the Commonwealth;

18. Coordinate intelligence activities relating to terrorism with the Department of State Police; and

19. Develop an emergency response plan to address the needs of individuals with household pets and service animals in the event of a disaster and assist and coordinate with local agencies in developing an emergency response plan for household pets and service animals.

The Department of Emergency Management shall ensure that all such plans, assessments, and programs required by this subsection include specific preparedness for, and response to, disasters resulting from electromagnetic pulses and geomagnetic disturbances.

C. The Department of Emergency Management shall during a period of impending emergency or declared emergency be responsible for:

1. The receipt, evaluation, and dissemination of intelligence pertaining to an impending or actual disaster;

2. Providing facilities from which state agencies and supporting organizations may conduct emergency operations;

3. Providing an adequate communications and warning system capable of notifying all political subdivisions in the Commonwealth of an impending disaster within a reasonable time;

4. Establishing and maintaining liaison with affected political subdivisions;

5. Determining requirements for disaster relief and recovery assistance;

6. Coordinating disaster response actions of federal, state and volunteer relief agencies;

7. Coordinating and providing guidance and assistance to affected political subdivisions to ensure orderly and timely response to and recovery from disaster effects.

D. The Department of Emergency Management shall be provided the necessary facilities and equipment needed to perform its normal day-to-day activities and coordinate disaster-related activities of the various federal, state, and other agencies during a state of emergency declaration by the Governor or following a major disaster declaration by the President.

E. The Department of Emergency Management is authorized to enter into all contracts and

182 agreements necessary or incidental to performance of any of its duties stated in this section or otherwise  
183 assigned to it by law, including contracts with the United States, other states, agencies and government  
184 subdivisions of the Commonwealth, and other appropriate public and private entities.

185 F. The Department of Emergency Management shall encourage private industries whose goods and  
186 services are deemed vital to the public good to provide annually updated preparedness assessments to  
187 the local coordinator of emergency management on or before April 1 of each year, to facilitate overall  
188 Commonwealth preparedness. For the purposes of this section, "private industry" means companies,  
189 private hospitals, and other businesses or organizations deemed by the State Coordinator of Emergency  
190 Management to be essential to the public safety and well-being of the citizens of the Commonwealth.

191 G. The Department of Emergency Management shall establish a Coordinator of Search and Rescue.  
192 Powers and duties of the Coordinator shall include:

- 193 1. Coordinating the search and rescue function of the Department of Emergency Management;
- 194 2. Coordinating with local, state, and federal agencies involved in search and rescue;
- 195 3. Coordinating the activities of search and rescue organizations involved in search and rescue;
- 196 4. Maintaining a register of search and rescue certifications, training, and responses;
- 197 5. Establishing a memorandum of understanding with the Virginia Search and Rescue Council and its  
198 respective member agencies regarding search and rescue efforts;
- 199 6. Providing on-scene search and rescue coordination when requested by an authorized person;
- 200 7. Providing specialized search and rescue training to police, fire-rescue, EMS, emergency managers,  
201 volunteer search and rescue responders, and others who might have a duty to respond to a search and  
202 rescue emergency;
- 203 8. Gathering and maintaining statistics on search and rescue in the Commonwealth;
- 204 9. Compiling, maintaining, and making available an inventory of search and rescue resources  
205 available in the Commonwealth;
- 206 10. Periodically reviewing search and rescue cases and developing best professional practices; and
- 207 11. Providing an annual report to the Secretary of Public Safety and Homeland Security on the  
208 current readiness of Virginia's search and rescue efforts.

209 Nothing in this chapter shall be construed as authorizing the Department of Emergency Management  
210 to take direct operational responsibilities from local, state, or federal law enforcement in the course of  
211 search and rescue or missing person cases.

212 H. *The Department of Emergency Management shall set aside for school security upgrades at private*  
213 *elementary and secondary schools in the Commonwealth 15 percent of all funds received through the*  
214 *federal Homeland Security Grant Program and planned to be used for school security upgrades.*