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HOUSE BILL NO. 1704

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Senate Committee on Education and Health
on February 9, 2023)

(Patron Prior to Substitute—Delegate Bell)

A BILL to amend and reenact §§ 9.1-184, 19.2-83.1, 19.2-291.1, and 22.1-279.8 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 19.2-299.3, relating to public elementary and secondary schools; reports of certain arrests and convictions of certain employees; receipt, report, and compilation.

Be it enacted by the General Assembly of Virginia:

1. That §§ 9.1-184, 19.2-83.1, 19.2-291.1, and 22.1-279.8 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 19.2-299.3 as follows:

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

A. From such funds as may be appropriated, the Virginia Center for School and Campus 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 based on the definition of bullying in § 22.1-276.01, 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 as defined in § 22.1-276.01, 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. Develop a case management tool for the collection and reporting of data by threat assessment teams pursuant to § 22.1-79.4;

5. 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 and, in conjunction with the Department of Education, information relating to the activities of school resource officers submitted pursuant to § 22.1-279.10;

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

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

8. 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;

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

10. 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 that shall also be made available to private schools in the Commonwealth;

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

12. Develop a model memorandum of understanding setting forth the respective roles and responsibilities of local school boards and local law-enforcement agencies regarding the use of school resource officers. Such model memorandum of understanding may be used by local school boards and local law-enforcement agencies to satisfy the requirements of subsection A of § 22.1-280.2:3; *and*

13. *Designate an employee of the Center as the school personnel safety official for the Commonwealth whose duty is to compile and maintain a list of each division safety official identified in each collated packet of school safety audits received pursuant to subsection B of § 22.1-279.8.*

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.

§ 19.2-83.1. Report of arrest of school employees and adult students for certain offenses.

A. Every state official or agency and every sheriff, police officer, or other local law-enforcement officer or conservator of the peace having the power to arrest for a felony, upon arresting a person who is known or discovered by the arresting official to be a full-time, part-time, permanent, or temporary teacher or ~~any~~ other employee in any ~~public~~ local school division in ~~this~~ the Commonwealth for a felony or a Class 1 misdemeanor or an equivalent offense in another state, shall file a report of such arrest with the division superintendent of the employing division as soon as practicable *but no later than 48 hours after arrest*. The contents of the report required pursuant to this ~~section~~ subsection shall be utilized by the local school division solely to implement the provisions of subsection B of § 22.1-296.2 and § 22.1-315.

B. *The report required pursuant to subsection A shall be transmitted (i) via certified mail, return receipt requested, to the mailing address identified by the division superintendent pursuant to § 22.1-68.1 or (ii) to the fax number and email address identified by the division superintendent pursuant to § 22.1-68.1. Any certified mail return receipt shall be retained in the case file.*

C. *Each arresting official shall request in writing that the Virginia Employment Commission provide the name of the current employer of each person arrested for an offense set forth in § 9.1-902 for purposes of determining whether notice is required pursuant to subsection A.*

D. Every state official or agency and every sheriff, police officer, or other local law-enforcement officer or conservator of the peace having the power to arrest for a felony, shall file a report, as soon as practicable, with the division superintendent of the school division in which the student is enrolled upon arresting a person who is known or discovered by the arresting official to be a student age 18 or older in any ~~public~~ local school division in ~~this~~ the Commonwealth for:

1. A firearm offense pursuant to Article 4 (§ 18.2-279 et seq.), 5 (§ 18.2-288 et seq.), 6 (§ 18.2-299 et seq.), 6.1 (§ 18.2-307.1 et seq.), or 7 (§ 18.2-308.1 et seq.) of Chapter 7 of Title 18.2;

2. Homicide, pursuant to Article 1 (§ 18.2-30 et seq.) of Chapter 4 of Title 18.2;

3. Felonious assault and bodily wounding, pursuant to Article 4 (§ 18.2-51 et seq.) of Chapter 4 of Title 18.2;

4. Criminal sexual assault, pursuant to Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2;

5. Manufacture, sale, gift, distribution or possession of Schedule I or II controlled substances, pursuant to Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2;

6. Manufacture, sale or distribution of marijuana pursuant to Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2;

7. Arson and related crimes, pursuant to Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2;

8. Burglary and related offenses, pursuant to §§ 18.2-89 through 18.2-93;

9. Robbery pursuant to § 18.2-58;

10. Prohibited criminal street gang activity pursuant to § 18.2-46.2;

11. Recruitment of juveniles for criminal street gang pursuant to § 18.2-46.3;

12. An act of violence by a mob pursuant to § 18.2-42.1; or

13. Abduction of any person pursuant to § 18.2-47 or 18.2-48.

§ 19.2-291.1. Report of conviction of school employees for certain offenses.

A. The clerk of any circuit court or any district court in the Commonwealth shall report to the Superintendent of Public Instruction and the division superintendent of any employing school division the conviction of any person, known by such clerk to hold a license issued by the Board of Education, for any felony involving the sexual molestation, physical or sexual abuse, or rape of a child ~~or~~; any felony involving drugs pursuant to Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2; or any felony set forth in Article 3 (§ 18.2-346 et seq.) of Chapter 8 of Title 18.2 as soon as practicable but no later than seven days after the order convicting the defendant is signed.

B. *The report required pursuant to subsection A shall be transmitted (i) via certified mail, return receipt requested, to the mailing address identified by the division superintendent pursuant to § 22.1-68.1 or (ii) to the fax number and email address identified by the division superintendent pursuant to § 22.1-68.1. Any certified mail return receipt shall be retained in the case file.*

§ 19.2-299.3. Report of arrest and conviction of school employees by probation and parole officers for certain offenses.

Any probation and parole officer who is supervising a person employed by a local school division in the Commonwealth, upon discovering that such supervised person has been arrested or convicted of a felony offense or an equivalent offense in another state, shall report such arrest or conviction to the Superintendent of Public Instruction and the division safety official designated pursuant to subsection F of § 22.1-279.8 in the local school division in which such supervised person is employed as soon as practicable.

§ 22.1-279.8. School safety audits and school crisis, emergency management, and medical emergency response plans required.

A. For the purposes of this section, unless the context requires otherwise:

"School crisis, emergency management, and medical emergency response plan" means the essential procedures, operations, and assignments required to prevent, manage, and respond to a critical event or emergency, including natural disasters involving fire, flood, tornadoes, or other severe weather; loss or disruption of power, water, communications or shelter; bus or other accidents; medical emergencies, including cardiac arrest and other life-threatening medical emergencies; student or staff member deaths; explosions; bomb threats; gun, knife or other weapons threats; spills or exposures to hazardous substances; the presence of unauthorized persons or trespassers; the loss, disappearance or kidnapping of a student; hostage situations; violence on school property or at school activities; incidents involving acts of terrorism; and other incidents posing a serious threat of harm to students, personnel, or facilities. The plan shall include a provision that the Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund shall 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.

"School safety audit" means a written assessment of the safety conditions in each public school to (i) identify and, if necessary, develop solutions for physical safety concerns, including building security issues, and (ii) identify and evaluate any patterns of student safety concerns occurring on school property or at school-sponsored events. Solutions and responses shall include recommendations for structural adjustments, changes in school safety procedures, and revisions to the school board's standards for student conduct.

B. The Virginia Center for School and Campus Safety, in consultation with the Department of Education, shall develop a list of items to be reviewed and evaluated in the school safety audits required by this section. Such items shall include those incidents reported to school authorities pursuant to § 22.1-279.3:1 and shall include a school inspection walk-through using a standardized checklist provided by the Virginia Center for School and Campus Safety, which shall incorporate crime prevention through environmental design principles.

The Virginia Center for School and Campus Safety shall prescribe a standardized report format for school safety audits, additional reporting criteria, and procedures for report submission, which may include instructions for electronic submission.

Each local school board shall require all schools under its supervisory control to annually conduct school safety audits, as defined in this section, consistent with such list and in collaboration with the chief law-enforcement officer of the locality or his designee. As part of each such audit, the school board shall create a detailed and accurate floor plan for each public school building in the local school division or shall certify that the existing floor plan for each such school is sufficiently detailed and accurate.

The results of such school safety audits shall be made public within 90 days of completion pursuant to this subsection. The local school board shall retain authority to withhold or limit the release of any security plans, walk-through checklists, floor plans, and specific vulnerability assessment components as provided in subdivision 4 of § 2.2-3705.2. The completed walk-through checklist shall be made available to the chief law-enforcement officer of the locality or his designee. Each school shall maintain a copy of the school safety audit, which may exclude such security plans, walk-through checklists, and vulnerability assessment components, within the office of the school principal and shall make a copy of such report available for review upon written request.

Each school shall submit a copy of its school safety audit to the relevant school division superintendent. The division superintendent shall collate and submit all such school safety audits, in the prescribed format and manner of submission, to the Virginia Center for School and Campus Safety and shall make available to the chief law-enforcement officer of the locality the results of such audits for his review and recommendations.

C. The division superintendent shall establish a school safety audit committee to include, if available, representatives of parents, teachers, local law-enforcement, emergency services agencies, local community services boards, and judicial and public safety personnel. The school safety audit committee shall review the completed school safety audits and submit any plans, as needed, for improving school safety to the division superintendent for submission to the local school board.

D. Each school board shall ensure that every school that it supervises shall develop a written school crisis, emergency management, and medical emergency response plan, consistent with the definition provided in this section, and shall include the chief law-enforcement officer, the fire chief, the chief of the emergency medical services agency, the executive director of the relevant regional emergency medical services council, and the emergency management official of the locality, or their designees, in the development of such plans. Each school division shall designate an emergency manager. The Department of Education and the Virginia Center for School and Campus Safety shall provide technical

183 assistance to the school divisions of the Commonwealth in the development of the school crisis,
184 emergency management, and medical emergency response plans that describe the components of a
185 medical emergency response plan developed in coordination with local emergency medical services
186 providers, the training of school personnel and students to respond to a life-threatening emergency, and
187 the equipment required for this emergency response. The local school board, the chief law-enforcement
188 officer, the fire chief, the chief of the emergency medical services agency, the executive director of the
189 relevant regional emergency medical services council, and the emergency management official of the
190 locality, or their designees, shall annually review the written school crisis, emergency management, and
191 medical emergency response plans. The local school board shall have the authority to withhold or limit
192 the review of any security plans and specific vulnerability assessment components as provided in
193 subdivision 4 of § 2.2-3705.2. The local school division superintendent shall certify this review in
194 writing to the Virginia Center for School and Campus Safety no later than August 31 of each year.

195 Upon consultation with local school boards, division superintendents, the Virginia Center for School
196 and Campus Safety, and the Coordinator of Emergency Management, the Board of Education shall
197 develop, and may revise as it deems necessary, a model school crisis, emergency management, and
198 medical emergency response plan for the purpose of assisting the public schools in ~~Virginia~~ *the*
199 *Commonwealth* in developing viable, effective crisis, emergency management, and medical emergency
200 response plans. Such model shall set forth recommended effective procedures and means by which
201 parents can contact the relevant school or school division regarding the location and safety of their
202 school children and by which school officials may contact parents, with parental approval, during a
203 critical event or emergency.

204 E. Each school board shall ensure that every public school it supervises employs at least one school
205 administrator who has completed, either in-person or online, school safety training for public school
206 personnel conducted by the Virginia Center for School and Campus Safety in accordance with
207 subdivision A 1 of § 9.1-184. However, such requirement shall not apply if such required training is not
208 available online.

209 *F. Each division superintendent shall annually designate an employee in the local school division as*
210 *the division safety official whose duty is to receive all reports required pursuant to § 19.2-299.3 and*
211 *shall include such designation in the collated packet of school safety audits submitted to the Virginia*
212 *Center for School and Campus Safety pursuant to subsection B.*