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HOUSE BILL NO. 873

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Appropriations
on February 9, 2022)

(Patron Prior to Substitute—Delegate Greenhalgh)

*A BILL to amend and reenact §§ 9.1-184, 22.1-79.4, and 22.1-280.2:3 of the Code of Virginia, relating to school boards; employment of school resource officers or school security officers.***Be it enacted by the General Assembly of Virginia:****1. That §§ 9.1-184, 22.1-79.4, and 22.1-280.2:3 of the Code of Virginia are amended and reenacted 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 D of § 22.1-280.2:3*.

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.

A. Each local school board shall adopt policies for the establishment of threat assessment teams, including the assessment of and intervention with individuals whose behavior may pose a threat to the safety of school staff or students consistent with the model policies developed by the Virginia Center for School and Campus Safety (the Center) in accordance with § 9.1-184. Such policies shall include procedures for referrals to community services boards or health care providers for evaluation or

60 treatment, when appropriate.

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

65 C. Each division superintendent shall establish, for each school, a threat assessment team that shall
66 include persons with expertise in counseling, instruction, school administration, and law enforcement
67 *and, in the case of any school in which a school resource officer is employed, at least one such school*
68 *resource officer.* Threat assessment teams may be established to serve one or more schools as
69 determined by the division superintendent. Each team shall (i) provide guidance to students, faculty, and
70 staff regarding recognition of threatening or aberrant behavior that may represent a threat to the
71 community, school, or self; (ii) identify members of the school community to whom threatening
72 behavior should be reported; and (iii) implement policies adopted by the local school board pursuant to
73 subsection A.

74 D. Upon a preliminary determination that a student poses a threat of violence or physical harm to
75 self or others, a threat assessment team shall immediately report its determination to the division
76 superintendent or his designee. The division superintendent or his designee shall immediately attempt to
77 notify the student's parent or legal guardian. Nothing in this subsection shall preclude school division
78 personnel from acting immediately to address an imminent threat.

79 E. Each threat assessment team established pursuant to this section shall collect and report to the
80 Center quantitative data on its activities using the case management tool developed by the Center.

81 F. Upon a preliminary determination by the threat assessment team that an individual poses a threat
82 of violence to self or others or exhibits significantly disruptive behavior or need for assistance, a threat
83 assessment team may obtain criminal history record information, as provided in §§ 19.2-389 and
84 19.2-389.1, and health records, as provided in § 32.1-127.1:03. No member of a threat assessment team
85 shall redisclose any criminal history record information or health information obtained pursuant to this
86 section or otherwise use any record of an individual beyond the purpose for which such disclosure was
87 made to the threat assessment team.

88 **§ 22.1-280.2:3. School boards; safety and security personnel.**

89 *The A. Each school board shall (i) enter into a collaborative agreement with the local*
90 *law-enforcement agency to employ at least one school resource officer, as defined in § 9.1-101, or (ii)*
91 *employ at least one school security officer, as defined in § 9.1-101, in each public elementary and*
92 *secondary school in the local school division. The division superintendent shall certify in writing to the*
93 *Department that the school board has met such requirement no later than August 31 of each year.*

94 *B. The Board shall not grant any school board a waiver from the requirements set forth in*
95 *subsection A, provided, however, that the Board may grant a partial waiver to allow the sharing of a*
96 *single school resource officer or school security officer by two different public schools that (i) are*
97 *adjoining or are within close proximity to each other and (ii) share facilities such as parking.*

98 *C. If the school board of any local school division refuses or fails to comply with the requirements*
99 *set forth in subsection A, such school division shall not be eligible for any grant from the*
100 *Commonwealth, Board, or Department during such period of noncompliance.*

101 *D. In addition to entering into any collaborative agreement pursuant to subsection A, each school*
102 *board in each school division in which the local law-enforcement agency employs school resource*
103 *officers, as defined in § 9.1-101, shall enter into a memorandum of understanding with such the local*
104 *law-enforcement agency that sets forth the powers and duties of such school resource officers. The*
105 *provisions of such memorandum of understanding shall be based on the model memorandum of*
106 *understanding developed by the Virginia Center for School and Campus Safety pursuant to subdivision*
107 *A 12 of § 9.1-184, which may be modified by the parties in accordance with their particular needs. Each*
108 *such school board and local law-enforcement agency shall review and amend or affirm such*
109 *memorandum at least once every two years or at any time upon the request of either party. Each school*
110 *board shall ensure the current division memorandum of understanding is conspicuously published on the*
111 *division website and provide notice and opportunity for public input during each memorandum of*
112 *understanding review period.*