

1 SENATE BILL NO. 415

2 AMENDMENT IN THE NATURE OF A SUBSTITUTE

3 (Proposed by the Senate Committee on Education and Health  
4 on February 3, 2022)

5 (Patron Prior to Substitute--Senator DeSteph)

6 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  
7 school boards; employment of school resource officers.

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

9 **1. That §§ 9.1-184, 22.1-79.4, and 22.1-280.2:3 of the Code of Virginia are amended and reenacted**  
10 **as follows:**

11 **§ 9.1-184. Virginia Center for School and Campus Safety created; duties.**

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

14 1. Provide training for Virginia public school personnel in school safety, on evidence-based  
15 antibullying tactics based on the definition of bullying in § 22.1-276.01, and in the effective identification  
16 of students who may be at risk for violent behavior and in need of special services or assistance;

17 2. Serve as a resource and referral center for Virginia school divisions by conducting research,  
18 sponsoring workshops, and providing information regarding current school safety concerns, such as  
19 conflict management and peer mediation, bullying as defined in § 22.1-276.01, school facility design and  
20 technology, current state and federal statutory and regulatory school safety requirements, and legal and  
21 constitutional issues regarding school safety and individual rights;

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

24 4. Develop a case management tool for the collection and reporting of data by threat assessment  
25 teams pursuant to § 22.1-79.4;

26 5. Collect, analyze, and disseminate various Virginia school safety data, including school safety  
27 audit information submitted to it pursuant to § 22.1-279.8, collected by the Department and, in conjunction  
28 with the Department of Education, information relating to the activities of school resource officers  
29 submitted pursuant to § 22.1-279.10;

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

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

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

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

40 10. Develop, in conjunction with the Department of State Police, the Department of Behavioral  
41 Health and Developmental Services, and the Department of Education, a model critical incident response  
42 training program for public school personnel and others providing services to schools that shall also be  
43 made available to private schools in the Commonwealth;

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

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

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

53           **§ 22.1-79.4. Threat assessment teams and oversight committees.**

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

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

64           C. Each division superintendent shall establish, for each school, a threat assessment team that shall  
65 include persons with expertise in counseling, instruction, school administration, and law enforcement and  
66 at least one school resource officer employed in such school in accordance with subsection A of § 22.1-  
67 280.2:3. Threat assessment teams may be established to serve one or more schools as determined by the  
68 division superintendent. Each team shall (i) provide guidance to students, faculty, and staff regarding  
69 recognition of threatening or aberrant behavior that may represent a threat to the community, school, or  
70 self; (ii) identify members of the school community to whom threatening behavior should be reported;  
71 and (iii) implement policies adopted by the local school board pursuant to subsection A.

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

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

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

86 **§ 22.1-280.2:3. School boards; local law-enforcement agencies; collaborative agreements;**  
 87 **memorandums of understanding.**

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

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

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

100 D. In addition to entering into a collaborative agreement pursuant to subsection A, each school  
 101 board in each school division in which the local law enforcement agency employs school resource  
 102 officers, as defined in § 9.1-101, shall enter into a memorandum of understanding with such the local law-  
 103 enforcement agency that sets forth the powers and duties of such school resource officers. The provisions  
 104 of such memorandum of understanding shall be based on the model memorandum of understanding  
 105 developed by the Virginia Center for School and Campus Safety pursuant to subdivision A 12 of § 9.1-

**106** 184, which may be modified by the parties in accordance with their particular needs. Each such school  
**107** board and local law-enforcement agency shall review and amend or affirm such memorandum at least  
**108** once every two years or at any time upon the request of either party. Each school board shall ensure the  
**109** current division memorandum of understanding is conspicuously published on the division website and  
**110** provide notice and opportunity for public input during each memorandum of understanding review period.

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