

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;

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

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

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

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

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

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

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

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

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

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

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

59 **§ 19.2-83.1. Report of arrest of school employees and adult students for certain offenses.**

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

68 B. The report required pursuant to subsection A shall be transmitted (i) via certified mail, return  
69 receipt requested, to the mailing address identified by the division superintendent pursuant to § 22.1-68.1  
70 or (ii) to the fax number and email address identified by the division superintendent pursuant to § 22.1-  
71 68.1. Any certified mail return receipt shall be retained in the case file.

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

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

- 80 1. A firearm offense pursuant to Article 4 (§ 18.2-279 et seq.), 5 (§ 18.2-288 et seq.), 6 (§ 18.2-
- 81 299 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;
- 82 2. Homicide, pursuant to Article 1 (§ 18.2-30 et seq.) of Chapter 4 of Title 18.2;
- 83 3. Felonious assault and bodily wounding, pursuant to Article 4 (§ 18.2-51 et seq.) of Chapter 4 of
- 84 Title 18.2;
- 85 4. Criminal sexual assault, pursuant to Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2;
- 86 5. Manufacture, sale, gift, distribution or possession of Schedule I or II controlled substances,
- 87 pursuant to Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2;
- 88 6. Manufacture, sale or distribution of marijuana pursuant to Article 1 (§ 18.2-247 et seq.) of
- 89 Chapter 7 of Title 18.2;
- 90 7. Arson and related crimes, pursuant to Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2;
- 91 8. Burglary and related offenses, pursuant to §§ 18.2-89 through 18.2-93;
- 92 9. Robbery pursuant to § 18.2-58;
- 93 10. Prohibited criminal street gang activity pursuant to § 18.2-46.2;
- 94 11. Recruitment of juveniles for criminal street gang pursuant to § 18.2-46.3;
- 95 12. An act of violence by a mob pursuant to § 18.2-42.1; or
- 96 13. Abduction of any person pursuant to § 18.2-47 or 18.2-48.

97 **§ 19.2-291.1. Report of conviction of school employees for certain offenses.**

98 A. The clerk of any circuit court or any district court in the Commonwealth shall report to the

99 Superintendent of Public Instruction and the division superintendent of any employing school division the

100 conviction of any person, known by such clerk to hold a license issued by the Board of Education, for any

101 felony involving the sexual molestation, physical or sexual abuse, or rape of a child ~~or~~; any felony

102 involving drugs pursuant to Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2; or any felony set forth

103 in Article 3 (§ 18.2-346 et seq.) of Chapter 8 of Title 18.2 as soon as practicable but no later than seven

104 days after the order convicting the defendant is signed.

105 B. The report required pursuant to subsection A shall be transmitted (i) via certified mail, return

106 receipt requested, to the mailing address identified by the division superintendent pursuant to § 22.1-68.1

107 or (ii) to the fax number and email address identified by the division superintendent pursuant to § 22.1-  
108 68.1. Any certified mail return receipt shall be retained in the case file.

109 **§ 19.2-299.3. Report of arrest and conviction of school employees by probation and parole**  
110 **officers for certain offenses.**

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

117 **§ 22.1-279.8. School safety audits and school crisis, emergency management, and medical**  
118 **emergency response plans required.**

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

120 "School crisis, emergency management, and medical emergency response plan" means the  
121 essential procedures, operations, and assignments required to prevent, manage, and respond to a critical  
122 event or emergency, including natural disasters involving fire, flood, tornadoes, or other severe weather;  
123 loss or disruption of power, water, communications or shelter; bus or other accidents; medical  
124 emergencies, including cardiac arrest and other life-threatening medical emergencies; student or staff  
125 member deaths; explosions; bomb threats; gun, knife or other weapons threats; spills or exposures to  
126 hazardous substances; the presence of unauthorized persons or trespassers; the loss, disappearance or  
127 kidnapping of a student; hostage situations; violence on school property or at school activities; incidents  
128 involving acts of terrorism; and other incidents posing a serious threat of harm to students, personnel, or  
129 facilities. The plan shall include a provision that the Department of Criminal Justice Services and the  
130 Virginia Criminal Injuries Compensation Fund shall be contacted immediately to deploy assistance in the  
131 event of an emergency as defined in the emergency response plan when there are victims as defined in §  
132 19.2-11.01. The Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation

133 Fund shall be the lead coordinating agencies for those individuals determined to be victims, and the plan  
134 shall also contain current contact information for both agencies.

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

141 B. The Virginia Center for School and Campus Safety, in consultation with the Department of  
142 Education, shall develop a list of items to be reviewed and evaluated in the school safety audits required  
143 by this section. Such items shall include those incidents reported to school authorities pursuant to § 22.1-  
144 279.3:1 and shall include a school inspection walk-through using a standardized checklist provided by the  
145 Virginia Center for School and Campus Safety, which shall incorporate crime prevention through  
146 environmental design principles.

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

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

155 The results of such school safety audits shall be made public within 90 days of completion pursuant  
156 to this subsection. The local school board shall retain authority to withhold or limit the release of any  
157 security plans, walk-through checklists, floor plans, and specific vulnerability assessment components as  
158 provided in subdivision 4 of § 2.2-3705.2. The completed walk-through checklist shall be made available  
159 to the chief law-enforcement officer of the locality or his designee. Each school shall maintain a copy of

160 the school safety audit, which may exclude such security plans, walk-through checklists, and vulnerability  
161 assessment components, within the office of the school principal and shall make a copy of such report  
162 available for review upon written request.

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

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

173 D. Each school board shall ensure that every school that it supervises shall develop a written school  
174 crisis, emergency management, and medical emergency response plan, consistent with the definition  
175 provided in this section, and shall include the chief law-enforcement officer, the fire chief, the chief of the  
176 emergency medical services agency, the executive director of the relevant regional emergency medical  
177 services council, and the emergency management official of the locality, or their designees, in the  
178 development of such plans. Each school division shall designate an emergency manager. The Department  
179 of Education and the Virginia Center for School and Campus Safety shall provide technical assistance to  
180 the school divisions of the Commonwealth in the development of the school crisis, emergency  
181 management, and medical emergency response plans that describe the components of a medical  
182 emergency response plan developed in coordination with local emergency medical services providers, the  
183 training of school personnel and students to respond to a life-threatening emergency, and the equipment  
184 required for this emergency response. The local school board, the chief law-enforcement officer, the fire  
185 chief, the chief of the emergency medical services agency, the executive director of the relevant regional  
186 emergency medical services council, and the emergency management official of the locality, or their

