

HOUSE BILL NO. 873

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Education and Health

on March 3, 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 public elementary and secondary schools; threat assessment team membership; law-enforcement liaison for certain school administrators.

**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;

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

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

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

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

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

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

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

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

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

54 § 22.1-79.4. Threat assessment teams and oversight committees.

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

61 B. The superintendent of each school division may establish a committee charged with oversight  
62 of 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 and,  
67 in the case of any school in which a school resource officer is employed, at least one such school resource  
68 officer. Threat assessment teams may be established to serve one or more schools as determined by the  
69 division superintendent. Each team shall (i) provide guidance to students, faculty, and staff regarding  
70 recognition of threatening or aberrant behavior that may represent a threat to the community, school, or  
71 self; (ii) identify members of the school community to whom threatening behavior should be reported;  
72 and (iii) implement policies adopted by the local school board pursuant to subsection A.

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

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

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

87 **§ 22.1-280.2:3. School boards; safety and security personnel.**

88 A. The school board in each school division in which the local law-enforcement agency employs  
89 school resource officers, as defined in § 9.1-101, shall enter into a memorandum of understanding with  
90 such local law-enforcement agency that sets forth the powers and duties of such school resource officers.  
91 The provisions of such memorandum of understanding shall be based on the model memorandum of  
92 understanding developed by the Virginia Center for School and Campus Safety pursuant to subdivision A  
93 12 of § 9.1-184, which may be modified by the parties in accordance with their particular needs. Each  
94 such school board and local law-enforcement agency shall review and amend or affirm such memorandum  
95 at least once every two years or at any time upon the request of either party. Each school board shall ensure  
96 the current division memorandum of understanding is conspicuously published on the division website  
97 and provide notice and opportunity for public input during each memorandum of understanding review  
98 period.

99 B. The chief local law-enforcement officer for any local school division in which a public  
100 elementary or secondary school does not employ a school resource officer, as defined in § 9.1-101, shall  
101 designate a law-enforcement officer to receive, either in-person or online, the training set forth in  
102 subsection E of § 22.1-279.8. Such officer shall serve as the law-enforcement liaison for the school  
103 administrator described in subsection E of § 22.1-279.8.

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