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HOUSE BILL NO. 573

Offered January 10, 2024

Prefiled January 9, 2024

A BILL to amend and reenact § 22.1-279.3:1 of the Code of Virginia, relating to student safety and discipline; certain reports to school principals and division superintendents; form and scope.

Patrons—Henson, Convirs-Fowler and Martinez

Referred to Committee on K-12 Subcommittee

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-279.3:1 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-279.3:1. Reports of certain acts to school authorities; reports of certain acts by school authorities to parents; reports of certain acts by school authorities to law enforcement.

A. Reports shall be made to the division superintendent and to the principal or his designee on all incidents involving:

1. Alcohol, marijuana, a controlled substance, an imitation controlled substance, or an anabolic steroid on a school bus, on school property, or at a school-sponsored activity, including the theft or attempted theft of student prescription medications;

2. The assault and battery that results in bodily injury of any person on a school bus, on school property, or at a school-sponsored activity;

3. The sexual assault, death, shooting, stabbing, cutting, or wounding of any person, abduction of any person as described in § 18.2-47 or 18.2-48, or stalking of any person as described in § 18.2-60.3, on a school bus, on school property, or at a school-sponsored activity;

4. Any written threats against school personnel while on a school bus, on school property, or at a school-sponsored activity;

5. The illegal carrying of a firearm, as defined in § 22.1-277.07, onto school property;

6. Any illegal conduct involving firebombs, explosive materials or devices, or hoax explosive devices, as defined in § 18.2-85, or explosive or incendiary devices, as defined in § 18.2-433.1, or chemical bombs, as described in § 18.2-87.1, on a school bus, on school property, or at a school-sponsored activity;

7. Any threats or false threats to bomb, as described in § 18.2-83, made against school personnel or involving school property or school buses; or

8. The arrest of any student for an incident occurring on a school bus, on school property, or at a school-sponsored activity, including the charge therefor.

B. Except as may otherwise be required by federal law, regulation, or jurisprudence, each principal:

1. Shall immediately report to the local law-enforcement agency any incident described in subdivision A 1 that may constitute a felony offense;

2. Shall immediately report to the local law-enforcement agency any incident described in subdivisions A 3 through 7, except that a principal is not required to but may report to the local law-enforcement agency any incident described in subdivision A 4 committed by a student who has a disability;

3. May report to the local law-enforcement agency any other incident described in subsection A that is not required to be reported pursuant to subdivision 1 or 2; and

4. Shall immediately report any act enumerated in subdivisions A 1 through 5 that may constitute a criminal offense to the parents of any minor student who is the specific object of such act. Further, the principal shall report whether the incident has been reported to local law enforcement pursuant to this subsection and, if the incident has been so reported, that the parents may contact local law enforcement for further information, if they so desire.

C. Notwithstanding the provisions of Article 12 (§ 16.1-299 et seq.) of Chapter 11 of Title 16.1, local law-enforcement authorities shall ~~report, prepare in writing and provide to~~ the principal or his designee and the division superintendent ~~shall receive such reports, a report on offenses, wherever (i) any suspected offense, offense for which any charge has been filed, or offense that is subject to investigation that was committed; or suspected to have been committed by students a student~~ enrolled at the school if the offense would be (a) a felony if committed by an adult ~~or would be~~, (b) a violation of the Drug Control Act (§ 54.1-3400 et seq.) and occurred on a school bus, on school property, or at a school-sponsored activity; ~~or would be~~ (c) an adult misdemeanor involving any incidents described in subsection A; and (ii) whether the student is released to the custody of his parent or, if 18 years of age or ~~more~~ older, is released on bond. As part of any report concerning an offense that would be an adult misdemeanor involving an incident described in subsection A, local law-enforcement authorities and attorneys for the Commonwealth shall be authorized to disclose information regarding terms of release from detention, court dates, and terms of any disposition orders

59 entered by the court, to the superintendent of such student's school division, upon request by the  
60 superintendent, if, in the determination of the law-enforcement authority or attorney for the Commonwealth,  
61 such disclosure would not jeopardize the investigation or prosecution of the case. No disclosures shall be  
62 made pursuant to this section in violation of the confidentiality provisions of subsection A of § 16.1-300 or  
63 the record retention and redisclosure provisions of § 22.1-288.2. Further, any school superintendent who  
64 receives notification that a juvenile has committed an act that would be a crime if committed by an adult  
65 pursuant to subsection G of § 16.1-260 shall report such information to the principal of the school in which  
66 the juvenile is enrolled.

67 D. The principal or his designee shall submit a report of all incidents required to be reported pursuant to  
68 this section to the superintendent of the school division. The division superintendent shall annually report all  
69 such incidents to the Department of Education for the purpose of recording the frequency of such incidents on  
70 forms that shall be provided by the Department and shall make such information available to the public.

71 In submitting reports of such incidents, principals and division superintendents shall accurately indicate  
72 any offenses, arrests, or charges as recorded by law-enforcement authorities and required to be reported by  
73 such authorities pursuant to subsection C.

74 A division superintendent who knowingly fails to comply or secure compliance with the reporting  
75 requirements of this subsection shall be subject to the sanctions authorized in § 22.1-65. A principal who  
76 knowingly fails to comply or secure compliance with the reporting requirements of this section shall be  
77 subject to sanctions prescribed by the local school board, which may include, but need not be limited to,  
78 demotion or dismissal.

79 The principal or his designee shall also notify the parent of any student involved in an incident required  
80 pursuant to this section to be reported, regardless of whether disciplinary action is taken against such student  
81 or the nature of the disciplinary action. Such notice shall relate to only the relevant student's involvement and  
82 shall not include information concerning other students.

83 Whenever any student commits any reportable incident as set forth in this section, such student shall be  
84 required to participate in such prevention and intervention activities as deemed appropriate by the  
85 superintendent or his designee. Prevention and intervention activities shall be identified in the local school  
86 division's drug and violence prevention plans developed pursuant to the federal Improving America's Schools  
87 Act of 1994 (Title IV — Safe and Drug-Free Schools and Communities Act).

88 E. A statement providing a procedure and the purpose for the requirements of this section shall be  
89 included in school board policies required by § 22.1-253.13:7.

90 The Board of Education shall promulgate regulations to implement this section, including, but not limited  
91 to, establishing reporting dates and report formats.

92 F. For the purposes of this section, "parent" or "parents" means any parent, guardian or other person  
93 having control or charge of a child.

94 G. This section shall not be construed to diminish the authority of the Board of Education or to diminish  
95 the Governor's authority to coordinate and provide policy direction on official communications between the  
96 Commonwealth and the United States government.

97 H. Nothing in this section shall require delinquency charges to be filed or prevent schools from dealing  
98 with school-based offenses through graduated sanctions or educational programming before a delinquency  
99 charge is filed with the juvenile court.