

VIRGINIA ACTS OF ASSEMBLY — CHAPTER

An Act to amend and reenact § 22.1-272.1:1 of the Code of Virginia, relating to school-connected student overdoses; policies relating to parental notification; guidelines.

[H 2774]

Approved

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-272.1:1 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-272.1:1. School-connected student overdose policies; parental notification; guidelines.

A. As used in this section:

"Overdose" means a life-threatening condition resulting from the consumption or use of a controlled substance.

"School-connected student overdose" means any overdose of a student enrolled in a public or private elementary or secondary school in the Commonwealth that occurs (i) on the premises of such school during regular school hours or (ii) during school-sanctioned activities whether on or off the premises of such school.

"Suspected school-connected student overdose" means a school-connected student overdose that is believed to have occurred and for which the response is the administration of naloxone, another opioid antagonist, or another similar medication with the intent to counter or temporarily reverse the effects of such overdose.

B. Each school principal or his designee shall notify the parent of each student enrolled in the relevant public elementary or secondary school within 24 hours of the earlier of (i) law enforcement or medical personnel confirming a school-connected student overdose or (ii) the school principal having knowledge of a suspected school-connected student overdose. The parental notification shall include information that is available at the time on (a) the name or any identifiable features of the controlled substance and (b) whether the confirmed or suspected overdose occurred on school premises during regular school hours or during school-sanctioned activities whether on or off school premises. The school principal or his designee shall use methods of communication for such parental notifications that are considered regular forms of communication for other schoolwide notifications. Within 24 hours after any parental notification made pursuant to this subsection, each school principal or his designee shall also provide a similar notification to the Department.

C. Each school principal or his designee shall issue an updated notification to the parent of each student in the relevant elementary or secondary school to correct any inaccuracy subsequently discovered after the initial notification made pursuant to subsection B.

D. Each principal, headmaster, or other chief administrator of each private elementary or secondary school in the Commonwealth or his designee shall notify the parent of each student enrolled in such school within 24 hours of the earlier of (i) law enforcement or medical personnel confirming a school-connected student overdose or (ii) the principal, headmaster, or other chief administrator having knowledge of a suspected school-connected student overdose. The parental notification shall include information that is available at the time on (a) the name or any identifiable features of the controlled substance and (b) whether the confirmed or suspected overdose occurred on school premises during regular school hours or during school-sanctioned activities whether on or off school premises. The principal, headmaster, or other chief administrator or his designee shall use methods of communication for such parental notifications that are considered regular forms of communication for other schoolwide notifications. Within 24 hours after any parental notification made pursuant to this subsection, each principal, headmaster, or other chief administrator or his designee shall also provide a similar notification to the Virginia Council for Private Education.

E. Each principal, headmaster, or other chief administrator or his designee shall issue an updated notification to the parent of each student enrolled in such school to correct any inaccuracy subsequently discovered after the initial notification made pursuant to subsection D.

F. The Board shall establish and maintain guidelines for school-connected student overdose response and parental notification policies to aid local school boards and private elementary or secondary schools in the implementation of such policies. The guidelines shall include (i) a model action plan for each school board and private elementary or secondary school to follow in responding to any school-connected student overdose, including, if applicable, communicating and coordinating with (a) the Department and (b) the applicable law-enforcement liaison or the local law-enforcement agency that, pursuant to § 22.1-280.2:3, employs such school division's school resources resource officers; and, (ii) criteria for issuing parental notification notifications pursuant to subsections B through E to ensure sensitivity to the privacy interests of

57 affected individuals and compliance with any applicable law, rules, or regulations relating to the disclosure
58 and protection of a minor's personal, confidential, or otherwise sensitive information, *including the federal*
59 *Family Educational Rights and Privacy Act (20 U.S.C. § 1232g) (FERPA) and related regulations; and (iii)*
60 *guidance on (a) issuing parental notifications pursuant to subsections B through E in scenarios under which*
61 *the facts or circumstances are unclear and (b) the division superintendent issuing divisionwide parental*
62 *notifications of school-connected student overdoses when such notifications may be warranted, including a*
63 *series of overdoses involving multiple students over a short period of time.*

64 *G. Each school board shall adopt, implement, and maintain policies consistent with subsections B and C*
65 *and the guidelines developed by the Board pursuant to subsection F. Each private elementary or secondary*
66 *school shall adopt, implement, and maintain policies consistent with subsections D and E and the guidelines*
67 *developed by the Board pursuant to subsection F.*

68 *H. Notwithstanding any other provision of this section, each local school board, division superintendent,*
69 *and public or private elementary or secondary school administrator or other employee shall take reasonable*
70 *steps to protect the privacy and dignity of individuals involved in any confirmed or suspected school-*
71 *connected student overdose.*