

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact §§ 9.1-184, 22.1-79.4, and 23.1-805 of the Code of Virginia, relating to public*
 3 *elementary and secondary schools and institutions of higher education; threat assessment teams; training*
 4 *on emergency substantial risk orders and substantial risk orders.*

5 [H 1071]

6 Approved

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

8 **1. That §§ 9.1-184, 22.1-79.4, and 23.1-805 of the Code of Virginia are amended and reenacted as**
 9 **follows:**

10 **§ 9.1-184. Virginia Center for School and Campus Safety created; duties.**

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

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

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

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

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

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

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

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

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

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

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

43 11. In consultation with the Department of Education, provide schools with a model policy for the
 44 establishment of threat assessment teams, including procedures for the assessment of and intervention with
 45 students whose behavior poses a threat to the safety of school staff or students *to include specific education*
 46 *and training for threat assessment team members, within existing annual training, on the use of emergency*
 47 *substantial risk orders and substantial risk orders as set forth in Chapter 9.2 (§ 19.2-152.13 et seq.) of Title*
 48 *19.2 to address the risk of harm to self or others posed by a student's access to a firearm;*

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

53 13. Designate an employee of the Center as the school personnel safety official for the Commonwealth
 54 whose duty is to compile, maintain, and make publicly available a list of each division safety official
 55 designated and the contact information for such individual included in each collated packet of school safety
 56 audits received pursuant to subsection B of § 22.1-279.8. Such school personnel safety official for the

57 Commonwealth shall at least annually confirm with each division superintendent that such contact
58 information is up to date and accurate.

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

61 **§ 22.1-79.4. Threat assessment teams and oversight committees.**

62 A. Each local school board shall adopt policies for the establishment of threat assessment teams, including
63 the assessment of and intervention with individuals whose behavior may pose a threat to the safety of school
64 staff or students consistent with the model policies developed by the Virginia Center for School and Campus
65 Safety (the Center) in accordance with § 9.1-184. Such policies shall include procedures for referrals to
66 community services boards or health care providers for evaluation or treatment, when appropriate, *and shall*
67 *require, within existing annual training, specific education and training for threat assessment team members*
68 *on the use of emergency substantial risk orders and substantial risk orders as set forth in Chapter 9.2*
69 *(§ 19.2-152.13 et seq.) of Title 19.2 to address the risk of harm to self or others posed by a student's access to*
70 *a firearm.*

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

75 C. Each division superintendent shall establish, for each school, a threat assessment team that shall
76 include persons with expertise in counseling, instruction, school administration, and law enforcement and, in
77 the case of any school in which a school resource officer is employed, at least one such school resource
78 officer. New threat assessment team members shall complete an initial threat assessment training and all
79 threat assessment team members shall be required to complete refresher threat assessment training every three
80 years. Threat assessment teams may be established to serve one or more schools as determined by the
81 division superintendent. Each team shall (i) provide guidance to students, faculty, and staff regarding
82 recognition of threatening or aberrant behavior that may represent a threat to the community, school, or self;
83 (ii) identify members of the school community to whom threatening behavior should be reported; and (iii)
84 implement policies adopted by the local school board pursuant to subsection A.

85 D. Upon a preliminary determination that a student poses a threat of violence or physical harm to self or
86 others, a threat assessment team shall immediately report its determination to the division superintendent or
87 his designee. The division superintendent or his designee shall immediately attempt to notify the student's
88 parent or legal guardian. The division superintendent or his designee shall provide, either in such initial
89 attempt to notify the student's parent or legal guardian or through a separate communication to the student's
90 parent or legal guardian made as soon as practicable thereafter, materials on recognition of and strategies for
91 responding to behavior indicating that a student poses a threat of violence or physical harm to self or others
92 that shall include information on the legal requirements set forth in § 19.2-152.13 relating to emergency
93 substantial risk orders and § 18.2-56.2 relating to the safe storage of firearms in the presence of minors and
94 that may include guidance on best practices and strategies for limiting a student's access to lethal means,
95 including firearms and medications. Such materials shall be selected in accordance with the provisions of the
96 criteria set forth in the guidelines required by subsection G. Nothing in this subsection shall preclude school
97 division personnel from acting immediately to address an imminent threat.

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

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

107 G. The Board, in cooperation with the Department of Behavioral Health and Developmental Services and
108 the Department of Health, shall develop guidelines for the provision of materials on recognition of and
109 strategies for responding to behavior indicating that a student poses a threat of violence or physical harm to
110 self or others required pursuant to subsection D. Such guidelines shall include criteria for selecting such
111 materials as well as materials that have been preapproved for such use by the Board.

112 **§ 23.1-805. Violence prevention committee; threat assessment team.**

113 A. Each public institution of higher education shall establish policies and procedures for the prevention of
114 violence on campus, including assessment of and intervention with individuals whose behavior poses a threat
115 to the safety of the campus community.

116 B. The governing board of each public institution of higher education shall determine a violence
117 prevention committee structure on campus composed of individuals charged with education on and
118 prevention of violence on campus. Each violence prevention committee shall include representatives from

119 student affairs, law enforcement, human resources, counseling services, residence life, and other
 120 constituencies as needed and shall consult with legal counsel as needed. Each violence prevention committee
 121 shall develop a clear statement of mission, membership, and leadership. Such statement shall be published
 122 and made available to the campus community.

123 C. Each violence prevention committee shall (i) provide guidance to students, faculty, and staff regarding
 124 recognition of threatening or aberrant behavior that may represent a physical threat to the community; (ii)
 125 identify members of the campus community to whom threatening behavior should be reported; (iii) establish
 126 policies and procedures that outline circumstances under which all faculty and staff are required to report
 127 behavior that may represent a physical threat to the community, provided that such report is consistent with
 128 state and federal law; and (iv) establish policies and procedures for (a) the assessment of individuals whose
 129 behavior may present a threat, (b) appropriate means of intervention with such individuals, and (c) sufficient
 130 means of action, including interim suspension, referrals to community services boards or health care
 131 providers for evaluation or treatment, medical separation to resolve potential physical threats, and notification
 132 of family members or guardians, or both, unless such notification would prove harmful to the individual in
 133 question, consistent with state and federal law.

134 D. The governing board of each public institution of higher education shall establish a threat assessment
 135 team that includes members from law enforcement, mental health professionals, and representatives of
 136 student affairs and human resources. College or university counsel shall be invited to provide legal advice.
 137 Each such threat assessment team may invite other representatives from campus to participate in individual
 138 cases, but no such representative shall be considered a member of the threat assessment team. Each threat
 139 assessment team shall implement the assessment, intervention, and action policies set forth by the violence
 140 prevention committee pursuant to subsection C.

141 E. Each threat assessment team shall establish relationships or utilize existing relationships with mental
 142 health agencies and local and state law-enforcement agencies to expedite assessment of and intervention with
 143 individuals whose behavior may present a threat to safety. Upon a preliminary determination that an
 144 individual poses a threat of violence to self or others or exhibits significantly disruptive behavior or a need
 145 for assistance, the threat assessment team may obtain criminal history record information as provided in
 146 §§ 19.2-389 and 19.2-389.1 and health records as provided in § 32.1-127.1:03.

147 F. Upon a preliminary determination that an individual poses an articulable and significant threat of
 148 violence to others, the threat assessment team shall:

149 1. Obtain any available criminal history record information as provided in §§ 19.2-389 and 19.2-389.1 and
 150 any available health records as provided in § 32.1-127.1:03;

151 2. Notify in writing within 24 hours upon making such preliminary determination (i) the campus police
 152 department, (ii) local law enforcement for the city or county in which the public institution of higher
 153 education is located, local law enforcement for the city or county in which the individual resides, and, if
 154 known to the threat assessment team, local law enforcement for the city or county in which the individual is
 155 located, and (iii) the local attorney for the Commonwealth in any jurisdiction where the threat assessment
 156 team has notified local law enforcement; and

157 3. Disclose any specific threat of violence posed by the individual as part of such notification.

158 G. The custodians of any criminal history record information or health records shall, upon request from a
 159 threat assessment team pursuant to subsections E and F, produce the information or records requested.

160 H. No member or invited representative of a threat assessment team shall redisclose any criminal history
 161 record information or health information obtained pursuant to this section or otherwise use any record of an
 162 individual beyond the purpose for which such disclosure was made to the threat assessment team.

163 I. Each threat assessment team member shall complete a minimum of eight hours of initial training within
 164 12 months of appointment to the threat assessment team and shall complete a minimum of two hours of threat
 165 assessment training each academic year thereafter. Training shall be conducted by the Department of
 166 Criminal Justice Services (the Department) or an independent entity approved by the Department *and shall*
 167 *include, within existing annual training, specific education and training on the use of emergency substantial*
 168 *risk orders and substantial risk orders as set forth in Chapter 9.2 (§ 19.2-152.13 et seq.) of Title 19.2 to*
 169 *address the risk of harm to self or others posed by a student's access to a firearm.*

170 J. When otherwise consistent with applicable state and federal law, in the event that a public institution of
 171 higher education has knowledge that a student or employee who was determined pursuant to an investigation
 172 by the institution's threat assessment team to pose an articulable and significant threat of violence to others is
 173 transferring to another institution of higher education or place of employment, the public institution of higher
 174 education from which the individual is transferring shall notify the institution of higher education or place of
 175 employment to which the individual is transferring of such investigation and determination.