



Virginia Department of Criminal Justice Services

Select Virginia Legislation with Safety Implications for K-12 Schools *December 2023*

A vital role of the Virginia Department of Criminal Justice Services (DCJS) Division of Public Safety Training and the Virginia Center for School and Campus Safety is to stay abreast of past, current, and potential future legislation impacting school safety in the Commonwealth. It is important to note, this is not an exhaustive list of all legislation related to K-12 public schools in Virginia. It is a summary of key legal components referenced in DCJS/PST-VCSCS training and resources. All Virginia legislation is on the internet at: <https://law.lis.virginia.gov/vacode/>. Additional information related to Virginia Administrative Code may be found at: <https://law.lis.virginia.gov/admincode/>.

(Highlighted items indicate legislation effective July 1, 2023.)

Number	Code Section(s)	Description
1	<i>Code of Virginia</i> § 9.1-184	Virginia Center for School and Campus Safety <ul style="list-style-type: none"> • Created (in 2000) • Duties <ul style="list-style-type: none"> – Provide antibullying and aberrant behavior training – Serve as a resource and referral center for Virginia school divisions – Maintain and disseminate information on effective school safety initiatives – Develop a case management tool for the collection and reporting of data by threat assessment teams – Collect, analyze, and disseminate various Virginia school safety data – Encourage the development of partnerships – Provide technical assistance to Virginia school divisions in the development and implementation of initiatives promoting school safety – Develop an MOU between the Director of the Department of Criminal Justice Services and the Superintendent of Public Instruction – Provide training for and certification of school security officers – Develop, in conjunction with the Department of State Police, the Department of Behavioral Health and Developmental Services, and the Department of Education, a model critical incident response training program – Provide schools with a model policy for the establishment of threat assessment teams

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		<ul style="list-style-type: none"> - Develop a model MOU for local school boards and local law-enforcement agencies regarding the use of school resource officers - Designate an employee of the Center as the school personnel safety official for the Commonwealth(SB 821 and HB 1704)
2	<p><i>Code of Virginia</i> § 22.1-208.01 § 22.1-276.01 § 22.1-291.4</p>	<p>Bullying Prevention</p> <ul style="list-style-type: none"> • Character Education Required • Definition, Bullying • Bullying and abusive work environments prohibited
3	<p><i>Code of Virginia</i> § 22.1-138.2</p>	<p>Carbon Monoxide Detectors</p> <ul style="list-style-type: none"> • Required, certain public school buildings
4	<p><i>Code of Virginia</i> § 22.1-279.8</p> <p>§ 2.2-3705.2</p>	<p>Crisis Management and Emergency Plans</p> <ul style="list-style-type: none"> • Requirement of Plans • “School crisis, emergency management, and medical emergency response plan” means the essential procedures, operations, and assignments required to prevent, manage, and respond to a critical event or emergency, including natural disasters involving fire, flood, tornadoes, or other severe weather; loss or disruption of power, water, communications or shelter; bus or other accidents; medical emergencies, including cardiac arrest and other life-threatening medical emergencies; student or staff member deaths; explosions; bomb threats; gun, knife or other weapons threats; spills or exposures to hazardous substances; the presence of unauthorized persons or trespassers; the loss, disappearance or kidnapping of a student; hostage situations; violence on school property or at school activities; incidents involving acts of terrorism; and other incidents posing a serious threat of harm to students, personnel, or facilities.” • Requirement for certain first responders, agencies, and groups to be included in development and annual review • Crisis Plan Certification by August 31 required each year • Requirement that “the plan shall include a provision that the Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund shall be contacted immediately to deploy assistance in the event of an emergency as defined in the emergency response plan when there are victims as defined in § 19.2-11.01” • Allowance that the “Local school board shall retain authority to withhold or limit the release of any

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		<i>security plans, walk-through checklists, floor plans, and specific vulnerability assessment components”</i>
5	<p><i>Code of Virginia</i> § 9.1-184</p> <p>§ 22.1-279.8</p>	<p>Critical Incident Response</p> <ul style="list-style-type: none"> • Provision of Model Curriculum by The Virginia Center for School and Campus Safety in cooperation with others • Provision in the Event that Victims Arise from an Emergency
6	<p><i>Code of Virginia</i> § 16.1-247.1</p>	<p>Custodial Interrogation of a Child</p> <ul style="list-style-type: none"> • Prior parental notification and contact required
7	<p><i>Code of Virginia</i> § 16.1-301</p>	<p>Disclosure of Juvenile Records to School Principals</p> <ul style="list-style-type: none"> • Provides that a juvenile, the parent, guardian, or other custodian of the juvenile, and counsel for the juvenile may inspect a law-enforcement record
8	<p><i>Code of Virginia</i> § 18.2-415</p>	<p>Disorderly Conduct</p> <ul style="list-style-type: none"> • <i>“The provisions of this section shall not apply to any elementary or secondary school student if the disorderly conduct occurred on the property of any elementary or secondary school, on a school bus as defined in § 46.2-100, or at any activity conducted or sponsored by any elementary or secondary school.”</i>
9	<p><i>Code of Virginia</i> § 22.1-184</p> <p>§ 22.1-137.2</p> <p>§ 22.1-137</p> <p><i>Statewide Fire Prevention Code (SFPC)</i> §§ 404.2.3 405.1</p> <p><i>Virginia Administrative Code</i> 8VAC20-131-260</p> <p>§ 22.1-137.1</p>	<p>Drills, Required</p> <ul style="list-style-type: none"> • Bus Evacuation Drills • Lock-down Drills, Required • Lock-down Drills, Parent Notification • Lock-down Drills, Exemptions • Fire Drills, Required • Statewide Fire Prevention Code • Virginia Administrative Code Fire Drill Requirements • Tornado Drills, Required
10	<p><i>Code of Virginia</i> § 22.1-279.8</p>	<p>Emergency Manager</p> <ul style="list-style-type: none"> • Requirement of Designee in each Public School Division (D)

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11	<p><i>Code of Virginia</i></p> <p>§ 2.2-3705.2</p> <p>§ 16.1-301</p> <p>§ 19.2-389.1</p>	<p>Information Sharing Exclusions and Allowances</p> <ul style="list-style-type: none"> Exclusions from mandatory disclosure provisions: <ul style="list-style-type: none"> “4. Information concerning security plans and specific assessment components of school safety audits, as provided in § 22.1-279.8.” “13. Records received by the Department of Criminal Justice Services pursuant to §§ 9.1-184, 22.1-79.4, and 22.1-279.8 or for purposes of evaluating threat assessment teams established by a public institution of higher education pursuant to § 23.1-805 or by a private nonprofit institution of higher education, to the extent such records reveal security plans, walk-through checklists, or vulnerability and threat assessment components.” Confidentiality of juvenile law-enforcement records; disclosures to school principal and others Dissemination of juvenile record information
12	<p><i>Code of Virginia</i></p> <p>§ 4.1-1105.1</p> <p>§ 4.1-1109</p> <p>§ 4.1-1110</p>	<p>Marijuana, Possession and Consumption</p> <ul style="list-style-type: none"> Possession of marijuana or marijuana products unlawful in certain cases; venue; exceptions; penalties; treatment and education programs and services Consuming or possessing marijuana or marijuana products in or on public school grounds; penalty Possessing or consuming marijuana or marijuana products while operating a school bus; penalty
13	<p><i>Code of Virginia</i></p> <p>§ 22.1-280.2:3</p>	<p>Memorandum of Understanding (MOU) Required</p> <ul style="list-style-type: none"> Required by the school board in each school division in which the local law-enforcement agency employs school resource officers
14	<p><i>Code of Virginia</i></p> <p>§ 22.1-279.3:2</p>	<p>Protective Orders</p> <ul style="list-style-type: none"> Public elementary and secondary school students; protective orders; notification.
15	<p><i>Code of Virginia</i></p> <p>§ 8.01-47</p> <p>§ 19.2-83.1</p> <p>§ 22.1-279.3:1</p>	<p>Reporting Requirements and Exemptions, Incident</p> <ul style="list-style-type: none"> Immunity of persons investigating or reporting certain incidents at schools Report of arrest of school employees and adult students for certain offenses (SB 821 and HB 1704) Report of conviction of school employees for certain offenses (SB 821 and HB 1704) 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

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	<p>§ 22.1-279.3:3</p> <p>§ 22.1-279.8</p>	<p>enforcement.</p> <ul style="list-style-type: none"> Alternative school discipline process for certain incidents Provision for notification of DCJS and the Virginia Criminal Injuries Compensation Fund in the event of an emergency when there are victims. Click to Report a Critical Incident or Emergency
16	<p><i>Code of Virginia</i></p> <p>§ 22.1-140</p> <p>§ 22.1-279.8</p>	<p>School Building and Floor Plans</p> <ul style="list-style-type: none"> Plans for buildings to be approved by division superintendent From the Annual School Safety Audit (see also #18 below): <i>“Each local school board shall require all schools under its supervisory control to annually conduct school safety audits, as defined in this section, consistent with such list and in collaboration with the chief law-enforcement officer of the locality or his designee. As part of each such audit, the school board shall create a detailed and accurate floor plan for each public school building in the local school division or shall certify that the existing floor plan for each such school is sufficiently detailed and accurate.”</i>
17	<p><i>Code of Virginia</i></p> <p>§ 9.1-101</p> <p>§ 9.1-102</p> <p>§ 9.1-110</p> <p>§ 9.1-114.1</p> <p>§ 22.1-279.10</p>	<p>School Resource Officers (SROs)</p> <ul style="list-style-type: none"> Definition, School Resource Officer DCJS <i>“under the direction of the Board, which shall be the policy-making body for carrying out the duties and powers hereunder, shall have the power and duty to”</i> <ul style="list-style-type: none"> <i>...”54. Establish compulsory minimum training standards for certification and recertification of law-enforcement officers serving as school resource officers.”</i> School Resource Officer Grants Program and Fund (HB 1691, identical to SB 1099) Compliance with minimum training standards by school resource officers School resource officers; data
18	<p><i>Code of Virginia</i></p> <p>§ 22.1-279.8</p>	<p>School Safety Audit</p> <ul style="list-style-type: none"> Virginia Center for School and Campus Safety, in consultation with the Department of Education determines components of the School Safety Audit <i>“Such items shall include those incidents reported to school authorities pursuant to § 22.1-279.3:1 and shall include a school inspection walk-through using</i>

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		<p><i>a standardized checklist provided by the Virginia Center for School and Campus Safety, which shall incorporate crime prevention through environmental design principles.”</i></p> <ul style="list-style-type: none"> • <i>“The Virginia Center for School and Campus Safety shall prescribe a standardized report format for school safety audits, additional reporting criteria, and procedures for report submission, which may include instructions for electronic submission.”</i> • <i>“Each local school board shall require all schools under its supervisory control to annually conduct school safety audits, as defined in this section, consistent with such list and in collaboration with the chief law-enforcement officer of the locality or his designee. As part of each such audit, the school board shall create a detailed and accurate floor plan for each public school building in the local school division or shall certify that the existing floor plan for each such school is sufficiently detailed and accurate.”</i> • <i>“The results of such school safety audits shall be made public within 90 days of completion pursuant to this subsection. The local school board shall retain authority to withhold or limit the release of any security plans, walk-through checklists, floor plans, and specific vulnerability assessment components as provided in subdivision 4 of § 2.2-3705.2. The completed walk-through checklist shall be made available to the chief law-enforcement officer of the locality or his designee. Each school shall maintain a copy of the school safety audit, which may exclude such security plans, walk-through checklists, and vulnerability assessment components, within the office of the school principal and shall make a copy of such report available for review upon written request.”</i> • <i>“Each school shall submit a copy of its school safety audit to the relevant school division superintendent. The division superintendent shall collate and submit all such school safety audits, in the prescribed format and manner of submission, to the Virginia Center for School and Campus Safety and shall make available to the chief law-enforcement officer of the locality the results of such audits for his review and recommendations.”</i>

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		<ul style="list-style-type: none"> • “C. The division superintendent shall establish a school safety audit committee to include, if available, representatives of parents, teachers, local law-enforcement, emergency services agencies, local community services boards, and judicial and public safety personnel. The school safety audit committee shall review the completed school safety audits and submit any plans, as needed, for improving school safety to the division superintendent for submission to the local school board.” • Annual designation of an employee in the local school division as the division safety official required annually (SB 821 and HB 1704)
19	<p>Code of Virginia § 9.1-101 § 9.1-102.42</p> <p>§ 22.1-280.2:1</p> <p>Virginia Administrative Code 6VAC 20-240</p>	<p>School Security Officers (SSOs)</p> <ul style="list-style-type: none"> • Definition, School Security Officer • DCJS “under the direction of the Board, which shall be the policy-making body for carrying out the duties and powers hereunder, shall have the power and duty to” <ul style="list-style-type: none"> • “42. Establish, in consultation with the Department of Education and the Virginia State Crime Commission, compulsory minimum standards for employment and job-entry and in-service training curricula and certification requirements for school security officers, including school security officers described in clause (b) of § 22.1-280.2:1, which training and certification shall be administered by the Virginia Center for School and Campus Safety (VCSCS) pursuant to § 9.1-184. Employment of School Security Officers” • Employment of school security officers. • Regulations Relating to School Security Officers <ul style="list-style-type: none"> Section 10 Definitions Section 20 Initial certification and training requirements for school security officers Section 30 Department certification procedures Section 40 School security officer standards of conduct Section 50 Recertification of school security officers Section 60

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		Decertification and appeal procedure Section 70 Instructor application Section 80 Renewal instructor application Section 90 School security officer instructor standards of conduct Section 100 School security officer instructor administrative requirements Section 110 Approval authority Section 120 Hearing process
20	<i>Code of Virginia</i> § 16.1-246 § 16.1-247	Taking Child Into Custody <ul style="list-style-type: none"> • When and how child may be taken into immediate custody. • Duties of person taking child into custody.
21	<i>Code of Virginia</i> § 9.1-184 § 22.1-79.4 § 22.1-280.2:3	Threat Assessment <ul style="list-style-type: none"> • Virginia Center for School and Campus Safety, in consultation with the Virginia Department of Education, required to provide schools with a model policy for the establishment of threat assessment teams, including procedures for the assessment of and intervention with students whose behavior poses a threat to the safety of school staff or students • Threat Assessment Teams and Oversight Committee Requirements <ul style="list-style-type: none"> • <i>“D. Upon a preliminary determination that a student poses a threat of violence or physical harm to self or others, a threat assessment team shall immediately report its determination to the division superintendent or his designee. The division superintendent or his designee shall immediately attempt to notify the student's parent or legal guardian. Nothing in this subsection shall preclude school division personnel from acting immediately to address an imminent threat.”</i> • <i>“E. Each threat assessment team established pursuant to this section shall collect and report to the Center quantitative data on its activities using the case management tool developed by the Center.”</i> • <i>“Each team shall (i) provide guidance to</i>

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	<p>§ 22.1-79.4</p>	<p><i>students, faculty, and staff regarding recognition of threatening or aberrant behavior that may represent a threat to the community, school, or self; (ii) identify members of the school community to whom threatening behavior should be reported; and (iii) implement policies adopted by the local school board pursuant to subsection A.”</i></p> <ul style="list-style-type: none"> • Threat Assessment Team Membership, SRO required if Employed and serving in school division • Threat Assessment training required for new and existing team members (SB 1359)
<p>22</p>	<p><i>Code of Virginia</i> § 9.1-184</p> <p>§ 22.1-79.4</p> <p>§ 22.1-137.3</p> <p>§ 22.1-253.13:1</p> <p>§ 22.1-279.8.</p> <p>§ 22.1-280.2:3</p> <p>§ 22.1-298.6</p>	<p>Training, Requirements and Provision of</p> <ul style="list-style-type: none"> • The Center shall: <ul style="list-style-type: none"> • “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;” • “9. Provide training for and certification of school security officers, as defined in § 9.1-101 and consistent with § 9.1-110;” • “10. Develop, in conjunction with the Department of State Police, the Department of Behavioral Health and Developmental Services, and the Department of Education, a model critical incident response training program for public school personnel and others providing services to schools that shall also be made available to private schools in the Commonwealth;” • Threat Assessment training required for new and existing team members (SB 1359) • School safety procedures; emergency situations; annual training required • Students, Situational Safety Awareness training required (15) • At least one school administrator must complete, either in-person or online, school safety training for public school personnel conducted by the VCSCS (E) • Designated law enforcement officer required to receive, in-person or online, the school safety training for public school personnel • Mental Health Awareness Training required