Attachment A

Superintendent’s Memo #283-20

 October 23, 2020

# **Guidance of Reports of Certain Acts to School Authorities**

## **Reports containing Situation, Background, Assessment, Recommendations and Discipline, Crime, and Violence Codes Reported to Law Enforcement**

| Reports | SBAR Codes | DCV Codes | References | Report to Law Enforcement |
| --- | --- | --- | --- | --- |
| [§ 22.1-279.3:1.](https://law.lis.virginia.gov/vacode/title22.1/chapter14/section22.1-279.3%3A1/) Reports of certain acts to school authorities. | Relevant SBAR Codes | Relevant DCV Codes | *Code of Virginia* References | When does the act constitute a felony under Virginia law? Behaviors that "may constitute a felony" must be reported to law enforcement. All acts listed may be reported to law enforcement per HB257, effective July 1, 2020. |
| i) the assault or assault and battery, without bodily injury, of any person on a school bus, on school property, or at a school-sponsored activity; | BESO1, BESO4 | BA2, BA4, BA5, BA6 | § 18.2-57. Assault and battery; penalty. | Report is optional. |
| (ii) the assault and battery that results in bodily injury,  | BESO2, BESO3 | BA1, BA2, BA3, BA4, BA5 | § 18.2-57. Assault and battery; penalty. § 18.2-51. intent to maim or disfigure, disable or kill. | Consider the **severity** of the injury, the **intention** of the action (impulse, planned, victim selection), **and/or** the **developmental capacity** of the student to understand the impact of the behavior. If the injury is severe, the assault was planned, **and/or** the student understood the potential for harm, a report should be made. If any one of these three elements is present, a report is recommended. |
| death, | HO1HO2HO3HO4 | HO1. HO2, HO3, HO4 | No data | Report Required. |

| shooting, | BESO15 BESO16 | BA1, BA3 | No data | Report Required. |
| --- | --- | --- | --- | --- |
| stabbing, cutting or wounding of any person, | BESO15, BESPO16 | BA1, BA3, BA5 | No data | Report Required. |
| abduction of any person as described in §§ 18.2-47 or 18.2-48., | KI1 | KI1 | § 18.2-47. or § [18.2-48](https://law.lis.virginia.gov/vacode/18.2-48/). | Report Required. |
| stalking of any person as described in § 18.2-60.3., on  | BSC21 | ST1 | § 18.2-60.3. Stalking; penalty. | Report recommended so law enforcement can determine if a prior conviction exists.  |
| (iii) any conduct involving alcohol, | BSC 1, 2 ,3 | AC1, AC2, AC3, AL1 | No data | Report is optional. |
| marijuana, | BESO 5, 7, 8 | DR4 | § 18.2-248. | Report is optional for all behaviors related to marijuana except for those that include distribution. Codes BESO8/DR4 require a report. |
| a controlled substance, | BESO 5, 7, 8 | DR1,DR2, DR4, DR5 | § 18.2-248. | Report Required for distributing controlled substances BESO8/ DR4. |
| imitation controlled substance, | BESO 5, 7, 8 | DR2 | § 18.2-248. | Report is optional for all codes except for those related to distribution, BESO8 requires a report; DR2 requires a report when it involves distribution.  |
| or an anabolic steroid,  | BESO 5, 7, 8 | DR1, DR4 | § 18.2-248. | Report is optional except for behaviors involving distribution (BESO8/DR4), which require a report. |
| including the theft or attempted theft of student prescription medications;  | BESO 5 | DR3 | § 18.2-248. | Report Required. |
| (iv) any threats against school personnel, | BESO12, BESO15 | TI1,  | § 18.2-60. | Report required if a felony. Consider age, the developmental capacity of the student to understand the impact of the behavior, and disability status before reporting.  |

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| (v) the illegal carrying of a firearm, as defined in § 22.1-277.07., onto school property; | BESO14 | WP8 | § 18.2-308.1. Possession of firearm, stun weapon, or other weapon on school property prohibited; penalty. | Report Required when the firearm meets the definition of "firearm" in § 22.1-277.07. E: *"Firearm" means any weapon, including a starter gun that will, or is designed or may readily be converted to, expel single or multiple projectiles by the action of an explosion of a combustible material or the frame or receiver of any such weapon. "Firearm" does not include any pneumatic gun, as defined in subsection E of* §15.2-915.4*.* |
| --- | --- | --- | --- | --- |
| (vi) any illegal conduct involving firebombs, | BESO14 | WP6, WP7 | § 18.2-85. Manufacture, possession, use, etc., of  | Report Required. |
| explosive materials or devices, or hoax explosive devices, as defined in § 18.2-85., | BESO14 | WP1, WP2 | § 18.2-85. Manufacture, possession, use, etc., of firebombs or explosive materials or devices; penalties. | Report Required. |
| or explosive or incendiary devices, as defined in § 18.2-433.1., or chemical bombs, as described in § 18.2-87.1. | BESO14 | WP1, WP2 | explosive or incendiary devices, as defined in § 18.2-433.1, or chemical bombs, as described in § 18.2-87.1. | Report Required. |
| (vii) any threats or false threats to bomb, as described in § 18.2-83., made against school personnel or involving school property or school buses.  | BESO17 | BB1 | § 18.2-83. | Report is required for students over the age of 15. A report is optional if the student(s) is under the age of 15. |

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## **Persistently Dangerous Categories with Relevant SBAR and DCV Codes for Reports to Law Enforcement**

| PERSISTENTLY DANGEROUS CATEGORIES/DESCRIPTORS | Relevant SBAR Codes | Relevant DCV Codes | Reports to Law Enforcement |
| --- | --- | --- | --- |
| PERSISTENTLY DANGEROUS Category I | No data | No data | No data |
| Homicide-Staff-Firearm HO1 | HO1 | HO1 | Report Required. |
| Homicide-Student-Firearm HO2 | HO2 | HO2 | Report Required. |
| Homicide-Staff-Other Weapon HO3  | HO3 | HO3 | Report Required. |
| Homicide-Student-Other Weapon HO4 | HO4 | HO4 | Report Required. |
| Sexual Assault Against Staff SX3 | BSC20 | SX3 SB1 | Report Required. |
| Sexual Assault Against Student SX4 | BSC20 | SX4 SB2 | Report Required. |
| Attempted Sexual Assault Against Staff SX5 | BSC20 | SX5  | Report Required. |
| Attempted Sexual Assault Against Student SX6 | BSC20 | SX6 | Report Required. |
| Use of a Bomb WP7 | WP7 | WP7 | Report Required. |

### Table 1: DANGEROUS Category I Codes

| PERSISTENTLY DANGEROUS Category II | No data | No data | No data |
| --- | --- | --- | --- |
| Assault Against Student with Firearm or Weapon BA3  | BESO15 | BA3 | Report Required. |
| Assault Against Staff with Firearm or Weapon BA1  | BESO16 | BA1 | Report Required. |
| Actual or Attempted Robbery RO1  | RO1 | RO1 | Report Required. |
| Kidnapping/Abduction KI1 | KI1 | KI1 | Report Required. |
| Malicious Wounding without a Weapon BA5  | BA5 | BA5 | Report Required. |
| Aggravated Sexual Battery on a Student SX8 | BSC20 | SX8 | Report Required. |

### Table 2: DANGEROUS Category II Codes

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| PERSISTENTLY DANGEROUS Category III | No data | No data | No data |
| --- | --- | --- | --- |
| Illegal Possession of Handgun WP1 | BESO14 | WP1 | Report Required. |
| Illegal Possession of Rifle or Shotgun WP2 | BESO14 | WP2 | Report Required. |
| Illegal Possession of Any Other Projectile/Weapon WP4 | BESO14 | WP4 | Report Required. |
| Illegal Possession of Bomb WP6 | BESO14 | WP6 | Report Required. |
| Illegal Possession of Other Firearms WP8 | BESO14 | WP8 | Report Required. |

### Table 3: DANGEROUS Category III Codes

## **Illegal Possession of Controlled Drugs**

### Table 4: Possession with Intent Code

| Illegal Possession of Controlled Drugs and Substances with Intent to Distribute or Sell DR4 | BESO8 | DR4 | Report Required. |
| --- | --- | --- | --- |