| **Virginia Board of Education Agenda Item** | **Seal of the Commonwealth of Virginia** |
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# Agenda Item: F

## Date: July 23, 2020

### Title: First Review of *Guidance and Model Policy for the Notification of Protective Orders in Public Elementary and Secondary Schools*

#### Presenter: Dr. Samantha Hollins, Assistant Superintendent of Special Education and Student Services

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## Purpose of Presentation:

Action required by state or federal law or regulation.

Executive Summary:
In 2019, the Virginia General Assembly, through [House Bill 1997](https://lis.virginia.gov/cgi-bin/legp604.exe?ses=191&typ=bil&val=hb1997), amended the *Code of Virginia* by adding a section numbered *§* [***22.1-279.3:2***](https://lis.virginia.gov/cgi-bin/legp604.exe?191+ful+CHAP0579&191+ful+CHAP0579) relating to the notification of protective orders in elementary and secondary schools and enacted that: *The Board of Education shall establish guidelines and develop model policies to aid local school boards in the implementation of §* [***22.1-279.3:2***](https://lis.virginia.gov/cgi-bin/legp604.exe?191+ful+CHAP0579&191+ful+CHAP0579) *of the Code of Virginia, as created by this act.*

As a response to this bill, the ***Guidance and Model Policy for the Notification of Protective orders in Public Elementary and Secondary Schools*** was developed with input from stakeholders that included school-based personnel representing diverse Superintendent regions, the Virginia Department of Criminal Justice Services, parent representative, and specialists from the Virginia Department of Education. The *Guidance and Model Policy* offers recommendations, a model local policy, and resources to assist school divisions in responding to the notification of a protective order for a student. Recommendations include processes for the notification of essential school personnel of the protective order and a support plan for the protected student as well as sample forms to facilitate these processes. Other considerations relating to confidentiality, the *Family Educational Rights and Privacy Act* (FERPA), school personnel training, and collaboration with other agencies are also included.

The *Guidance and Model Policy* meets the Board of Education’s Comprehensive Plan to actively foster equitable, supportive, and safe academic, disciplinary, and physical environments and support and promote wrap-around services and mental and physical wellness and intervention programs to increase opportunities for all students to achieve (Goal 1).

## Action Requested:

Action will be requested at a future meeting. Specify anticipated date below:

September 16-17, 2020

## Superintendent’s Recommendation: The Superintendent of Public Instruction recommends that the Board of Education receive for first review the *Guidance and Model Policy for the Notification of Protective Orders in Public Elementary and Secondary Schools*.

## Previous Review or Action:

No previous review or action.

Background Information and Statutory Authority:
In 2019, Virginia General Assembly, through [House Bill 1997](https://lis.virginia.gov/cgi-bin/legp604.exe?ses=191&typ=bil&val=hb1997), amended the *Code of Virginia* by adding a section numbered *§* [***22.1-279.3:2***](https://lis.virginia.gov/cgi-bin/legp604.exe?191+ful+CHAP0579&191+ful+CHAP0579) that relates to the notification of protective orders in public elementary and secondary schools.

House Bill 1997 states:

*“1. That the Code of Virginia is amended by adding a section numbered* [***22.1-279.3:2***](https://lis.virginia.gov/cgi-bin/legp604.exe?191+ful+CHAP0579&191+ful+CHAP0579) *as follows:*

*§* [***22.1-279.3:2***](https://lis.virginia.gov/cgi-bin/legp604.exe?191+ful+CHAP0579&191+ful+CHAP0579)*. Public elementary and secondary school students; protective orders; notification.*

*Any school principal who receives notice that a circuit court, general district court, juvenile and domestic relations district court, or magistrate has issued a protective order pursuant to §* [***16.1-253***](https://law.lis.virginia.gov/vacode/16.1-253/)*,* [***16.1-253.1***](https://law.lis.virginia.gov/vacode/16.1-253.1/)*,* [***16.1-253.4***](https://law.lis.virginia.gov/vacode/16.1-253.4/)*, or* [***16.1-279.1***](https://law.lis.virginia.gov/vacode/16.1-279.1/)*, subsection D of §* [***18.2-60.3***](https://law.lis.virginia.gov/vacode/18.2-60.3/)*, or Chapter 9.1 (§* [***19.2-152.7:1***](https://law.lis.virginia.gov/vacode/19.2-152.7%3A1/) *et seq.) of Title 19.2 for the protection of any child who is enrolled at a public elementary or secondary school in the Commonwealth where such principal is employed, or any other order prohibiting contact with such a child, including an order issued as a condition of pretrial or posttrial supervision, shall subsequently notify licensed instructional personnel and other school personnel who (i) provide direct educational or support services to the protected child or the child subject to the order, (ii) have a legitimate educational interest in such information, and (iii) are responsible for the direct supervision of the protected child or the child subject to the order that such order has been issued.*

*2. That the Board of Education shall establish guidelines and develop model policies to aid local school boards in the implementation of §* [***22.1-279.3:2***](https://lis.virginia.gov/cgi-bin/legp604.exe?191+ful+CHAP0579&191+ful+CHAP0579) *of the Code of Virginia, as created by this act.”*

The Department of Education established a workgroup in March 2020 that included stakeholders such as school-based personnel representing diverse Superintendent regions, the Virginia Department of Criminal Justice Services, parent representative, and specialists from the Virginia Department of Education. The group collectively contributed to the development of the *Guidance and Model Policy* document that includes recommended processes to notify essential personnel of the protective order and develop a support plan for the protected student, sample forms to facilitate these processes, and a model local policy. Other considerations relating to confidentiality, FERPA, school personnel training, and collaboration with other agencies are also included.

Timetable for Further Review/Action:
Upon Board approval, and any technical or editorial edits by Department staff, the document will be submitted to Town Hall for a 30-day public comment period and to the Governor and Virginia General Assembly, and posted on the Virginia Department of Education website.

## Impact on Fiscal and Human Resources:

Any costs associated with the development and dissemination of the document will be provided by Department of Education funds according to state procurement policies and procedures and will be absorbed within existing resources.