



COMMONWEALTH of VIRGINIA
Department of Education

DATE: October 23, 2020

TO: Division Superintendents

FROM: James F. Lane, Ed.D., Superintendent of Public Instruction

SUBJECT: Reports to Law Enforcement

[House Bill 257](#) and [Senate Bill 729](#), which became effective July 1, 2020, eliminated the requirement that school principals report to law enforcement certain enumerated acts that may constitute a misdemeanor offense as outlined in Subsection A of [§ 22.1-279.3:1](#). This change requires reports to law enforcement for behaviors that “may constitute a felony,” but all acts enumerated in Subsection A of § 22.1-279.3:1 may be reported to law enforcement.

School divisions are encouraged to keep school safety in mind, while recognizing the negative impact of student contact with the juvenile justice system, when making decisions about referrals to law enforcement. [The School Discipline Consensus Report](#) provides guidance that may be helpful in making those decisions. It states that:

Police should not be engaged in routine classroom management, and whenever possible should use alternatives to arrest for students’ minor offenses that can be appropriately addressed through the schools discipline system.¹

The Virginia legislative change provides an opportunity for school divisions to review local policies related to when principals should make a report to law enforcement regarding student behavior. Divisions are encouraged to work with legal counsel, local law enforcement, juvenile justice representatives, parents, and community members to develop a process for determining when a principal should notify law enforcement of a student’s behavior. That process should include determining which behaviors principals shall report and whether the school division’s discipline sanctions, behavioral interventions, and academic supports can be used to address the student behavior. Divisions are responsible for creating a process that ensures equity in referrals to law enforcement.

¹ Morgan, E., Salomon, N., Plotkin, M., and Cohen, R., *The School Discipline Consensus Report: Strategies from the Field to Keep Students Engaged in School and Out of the Juvenile Justice System* (New York: The Council of State Governments Justice Center, 2014).

The attached chart (Attachment A) provides guidance for school divisions and identifies behaviors that may require reports to law enforcement and those that may be optional. Regardless of whether the incident is reported, any substances suspected of being drugs and any weapons confiscated should be turned over to law enforcement. All behaviors identified as “Persistently Dangerous” should be reported. The tables outline the behaviors enumerated in *Code of Virginia* § 22.1-279.3:1, along with the Discipline, Crime, and Violence (DCV) and the Student Behavior and Administrative Response (SBAR) data collection codes associated with those behaviors.

For questions regarding the *Model Guidance for Positive and Preventative Code of Student Conduct and Alternatives to Suspension*, you may contact Rebecca Kahila, School Safety and Discipline Specialist, Office of Student Services, by telephone at (804) 255- 4654, or by email at Rebecca.Kahila@doe.virginia.gov. For questions related to DCV, contact Brittney Kanard by email at Brittney.Kanard@doe.virginia.gov.

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Attachment:

- A. [Guidance of Reports of Certain Acts to School Authorities](#) (Word)