

**MINORITY REPORT TO
SELECT COMMITTEE ON SCHOOL SAFETY**

The Minority Members of the Select Committee on School Safety thank the Speaker for convening this review of the Commonwealth’s school safety policies and practices. It is essential that our schools are a safe haven for students, educators, and personnel, where learning is everyone’s top priority. Most of the committee’s preliminary recommendations have merit and will likely enjoy bipartisan support. Our view, however, is that we must go further. We believe the Select Committee should adopt goals to be achieved over time, including increasing access to school counselors, and the General Assembly should pursue proactive measures to ensure troubled students do not have ready access to dangerous firearms.

The Speaker’s communication on November 8 states that “the biggest challenge facing our schools is student mental health.” We agree. We heard much testimony that the number and effectiveness of mental health counselors should be increased, yet the majority of the funding proposed in the recommendations relates to security. That includes adding 44 School Resource Officers (SROs) at an undesignated cost, even though we heard much more support for counselors than SROs. Our budget must reflect our priorities. If we are to prioritize student mental health, as we should, then we must focus the bulk of our school safety expenditures on improving accessibility to school counselors.

Delegates VanValkenburg, Bourne, and Mullin sent a memo to the Committee in July 2018, and while some of their recommendations have been included among the priorities, others have not. Most significantly, their proposal to improve the ratio to 1 counselor for every 250 students was rejected. Students should have immediate access to mental health help when they need it, but our school counselors are overloaded. The average student caseload for school counselors in Virginia has grown to 385 students, which is a full 135 students above recommended state standards, and it continues to grow. Similar challenges exist for school nurses, social workers, and other mental health staff whose staffing levels fall short of national benchmarks. We should also recognize that deep cuts to state support for public education following the “Great Recession” played a role in creating staffing shortages, including the implementation of a policy in 2010 that capped support for these positions. These positions have declined by 13,688 since the cap was implemented, while student enrollment has increased by 53,376 students. Excessive caseloads limit students’ access to trained professionals at their time of need.

The preliminary recommendations attempt to address this issue by shifting responsibilities for school counselors to ensure they spend at least 80 percent of their time on counseling services. Adding more staff positions, such as testing coordinators, would certainly help, but it is a modest step. We firmly believe that adding other staff positions, without a net gain in counselors, is insufficient to address the extremely high caseload. We therefore

recommend that the state invest in additional positions providing the counseling and mental health care, so every student has access to a trusted professional. The committee should develop a timeline to unwind the support cap with full understanding of the fiscal challenges that accompany it.

The Minority Members believe that while creating a new commission on student mental health has merit, it should be in conjunction with and an extension of the Mental Health Joint Committee that has been chaired by Senator Deeds. We currently have a wealth of compelling information, and we should use our existing infrastructure to act now. Across our three subcommittees, we have heard issue area experts in school safety, counseling, infrastructure, threat assessments, and promoting student mental health and emotional well-being. In addition, the Committee received an overview from the legislature's research arm highlighting best practices in school safety. Further, the General Assembly annually receives a report from the Virginia Board of Education on the Condition and Needs of Virginia's Public Schools that includes recommendations on appropriate staffing for school positions. We do not believe that Committee should postpone the needed actions before us by establishing additional bodies and commissions to make these decisions at a later date.

There is no question that this Select Committee on School Safety was convened partly in response to the Parkland shooting in Florida that happened during the 2018 Legislative Session. Most action on school safety takes place after a tragedy. After the Virginia Tech massacre in

2007, Virginia instituted a requirement that all higher education institutions create threat assessment teams. Following the Sandy Hook shooting in 2012, the General Assembly extended the use of threat assessment teams to local school boards. These measures have been largely successful in several areas. As a result, Virginia is viewed as a leader in school threat assessment nationwide.

We cannot ignore the role of firearms in mass school shootings, nor should we avoid our responsibility as legislators to act. We believe the proposals from several Minority Members to be common-sense reforms that place simple controls on the ways minors can use and access firearms. Yet, the committee refused to even discuss a proposal we made to create “risk warrants” or special protective orders for minors. If a student is deemed to be at serious risk of hurting themselves or others, it does not make any sense that they should have easy access to guns at home. A “risk warrant” would be a reasonable way to lock up weapons at home or move them to a secure site as the minor addresses his or her issues. Risk warrants for adults have recently been passed in other states, and applying them to students would make them and their school communities safer.

Additionally, the Minority Members’ proposals included increased penalties for improper storage of firearms or reporting of lost/stolen firearms by all Virginians, as research has shown that the vast majority of shooters access a weapon from a family or friend’s home. These are common-sense solutions backed up by statistics. We acknowledge the intensity of the debate

surrounding gun violence prevention, but we cannot reach solutions without engaging in a bipartisan discourse – especially when it is a matter of children’s safety.

Despite these shortcomings, we applaud all members of the Select Committee for a dedication to finding bipartisan solutions through a collegial dialogue that has produced many proposals to be further explored in the 2019 Legislative Session. For instance, the recommendation to require school crisis, emergency management, and medical emergency response plans to place more emphasis on the recovery phase of crisis response was included in our Members’ proposal, and it will ensure that our communities are able to move forward after trauma and the schools affected will not suffer further consequences of a crisis.

We also support the Committee’s recommendation for enhanced training and revised protocols for how SROs operate in schools. Calls for the required use of Memorandums of Understanding (MOUs) between each local school board and law enforcement agencies regarding the use of SROs is an important area of bipartisan agreement. SROs with a clear mission, concrete procedures, and training in fields like juvenile psychology and mental health will do much to support a safe school environment. But while we support the Committee’s proposal, we believe it should go further and that all localities should enter into MOUs and that they should be updated every five years.

As we consider law enforcement and “schools-hardening” recommendations, we are cognizant of the testimony we heard at various places around the Commonwealth. We learned

several important things. First, research shows that schools are among the safest places to be, much safer than parks, shopping areas, and restaurants. Second, most students, teachers, and administrators believe that while we should always strive for safer schools, we must avoid creating a perception that schools are “armed camps” to be defended rather than safe places where education can occur.

Community has been at the core of the proposals made to the Committee by Minority Members, and we share the Committee’s commitment to achieving a student-centered approach to school safety. Previous “institutions first” approaches to school safety have emphasized large-scale staff training, readiness drills, and security infrastructure over seriously tackling the environments and challenges that propagate violence in schools. Since the formation of this Committee, Minority Members have called for a comprehensive approach that takes all of these factors into account, and does not focus on cosmetic recommendations such as bullet-proof dry-erase boards.

While Minority Members proposed doubling the funds allocated to the security grant fund for physical infrastructure, the Committee has recommended an unspecified amount of increased funding to be made available to eligible school divisions pursuant to the School Safety Equipment Grant of 2013. Our goal is to make sure that any changes to infrastructure ensure that we are moving forward, not stuck in the Commonwealth’s past ways.

Proposals from Minority Members are backed by people around the state who have students' best interests at heart — from pediatricians to school counselors, and from school security officers to nurses. Bringing a diverse coalition of people on board to discuss these proposals was important to making sure they addressed real concerns. We commend the Select Committee on School Safety's purpose, effort, and many of its recommendations. With comprehensive, cost-effective, and common-sense legislation directed toward our communities, we believe we can continue to make Virginia a leader in school safety so that our students may learn and thrive. A safe student is a student who is safe to learn.

Minority Report Recommendations:

- **Improve the state's staffing standards for school counselors by requiring one school counselor for every 250 students (k-12)**
- **Request House Appropriations Committee to examine strategies to unwind the cap on support staff positions and develop a potential timeline**
- **Increase support for existing prevention/intervention programs like Virginia Tiered Systems of Support (VTSS) and Positive Behavioral Intervention and Supports (PBIS) to increase school division participation and assure fidelity to standards**
- **Presently, under Virginia law, minors under 14 must be supervised by an adult while using handguns and those 15 through 17 cannot possess handguns outside of**

receiving one as a gift from a family member or using one for sporting activities. We think these provisions should be extended to all firearms.

- **Virginia should impose civil and/or criminal liability for improper storage of a handgun or other weapon which allows a minor access to the weapon. Virginia's CAP laws are among the weakest in the nation, only giving criminal liability to adults who deliberately and recklessly grant a minor access to a weapon.**
- **Virginia has no reporting standards for lost and stolen weapons. We should implement basic reporting standards for lost and stolen weapons held by private owners.**
- **Establish a youth risk protection order for minors who are deemed to be a risk to themselves or others.**