



Final Regulation Agency Background Document

Agency name	Department of Criminal Justice Services
Virginia Administrative Code (VAC) citation	6 VAC 20-240
Regulation title	Regulations Relating to School Security Officers
Action title	School Security Officer Regulations (New)
Document preparation date	September 20, 2005

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 21 (2002) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

Please provide a brief summary (no more than 2 short paragraphs) of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

This is a new regulation.

This regulatory action identifies compulsory minimum standards for employment, entry-level and in-service training requirements, and certification requirements for School Security Officers. Currently, there is no required training for these officers. This regulatory action will consolidate and standardize minimum entry-level and employment requirements as well as provide a certification component to ensure all School Security Officers in Virginia have minimum training and professional development opportunities. This will assure a minimum level of competency in the job of School Security Officer and have a positive impact on the school safety climate at the local level.

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

The final action of the agency was taken on September 8, 2005 when the final public comments and agency responses were reported to the Committee on Training and the Criminal Justice Services Board. The regulatory changes that resulted from the public comment period were accepted in addition to changes submitted by the agency staff.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter numbers, if applicable, and (2) promulgating entity, i.e., agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.

- 1) The Office of the Attorney General in a letter (March 17, 2004) to DCJS Director Leonard Cooke affirmed that DCJS does have statutory authority to promulgate the regulations pursuant to 9.1-102 (45) relating to School Security Officers.
- 2) This regulation is not otherwise exempt under the provisions of subdivision A.4 of § 2.2-4006 of the APA.

Purpose

Please explain the need for the new or amended regulation. Describe the rationale or justification of the proposed regulatory action. Detail the specific reasons it is essential to protect the health, safety or welfare of citizens. Discuss the goals of the proposal and the problems the proposal is intended to solve.

This regulatory action establishes compulsory minimum standards for employment, the entry-level and in-service training curricula, and the certification requirements for School Security Officers. The regulation is required to comply with Code of Virginia § 9.1-102 (45). The amendment to this section necessitating this regulatory action was enacted April 17, 2002.

In addition, § 9.1-184 mandates the Virginia Center for School Safety at the Department of Criminal Justice Services to provide training and certification of School Security Officers.

School Security Officers are a vital and essential component of many localities' school safety plan. Structured, consistent training and certification for these officers is also required now by Code, and is certainly needed to provide a minimum level of competency in the performance of this function. The purpose of this regulatory action is to provide localities with minimum guidelines for hiring security officers and the minimum training requirements needed for the officer to be effective in promoting school safety.

Substance

Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. A more detailed discussion is required under the "All changes made in this regulatory action" section.

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This regulatory action identifies compulsory minimum standards for employment, entry-level and in-service training requirements, and certification requirements for School Security Officers. Currently, there is no required training for these officers. This regulatory action will consolidate and standardize minimum entry-level and employment requirements as well as provide a certification component to ensure all School Security Officers in Virginia have minimum training and professional development opportunities. This will assure a minimum level of competency in the job of School Security Officer and have a positive impact on the school safety climate at the local level.

Issues

Please identify the issues associated with the proposed regulatory action, including:

- 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions;*
- 2) the primary advantages and disadvantages to the agency or the Commonwealth; and*
- 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, please indicate.*

Issues associated with the proposed regulatory action:

- 1) The primary advantage to the public will be a standard level of training for security officers working in local schools. This will increase the professionalism and enhance the safety of the school environment for teachers, students, parents, and staff. The only perceived disadvantage is the increased cost associated with paying for officers to attend mandatory training. This unfunded mandate adds additional costs to the local school budget.
- 2) The primary advantage to the Commonwealth is the enhanced safety of community schools. The only disadvantage to the Commonwealth is the increased costs incurred in the administration and staffing of this training and certification program.

Changes made since the proposed stage

Please describe all changes made to the text of the proposed regulation since the publication of the proposed stage. For the Registrar’s office, please put an asterisk next to any substantive changes.

Section number	Requirement at proposed stage	What has changed	Rationale for change
6 VAC 20-240-20.A.2.	Have a high school education	Replace “education” with “diploma”	Error on original
6 VAC 20-240-20.C.5.	...by the employing school division Superintendent	Add “or designee” after Superintendent	Superintendent usually designates this responsibility
6 VAC 20-240-40.3.	inform the employing school division in writing within 10 days after pleading guilty or nolo contendere or being convicted or found guilty of any felony or a misdemeanor	Inform the employing school division in writing within 72 hours or the beginning of the next work day, whichever comes first, after an arrest for any felony or misdemeanor.	In response to public comment

6 VAC 20-240-40.4	... there is no appeal, or the time for appeal having elapsed.	Delete “there is no appeal, or the time for appeal having elapsed.”	Intent is for notice to be given regardless of intention or status of appeal.
6 VAC 20-240-50.D.5.	...by the employing school division Superintendent	Add “or designee” after Superintendent	Superintendent usually designates this responsibility
6 VAC 20-240-50.E.1.	...by the employing school division Superintendent	Add “or designee” after Superintendent	Superintendent usually designates this responsibility
6 VAC 20-240-60.C.	805 East Broad St.	Replace with “202 N. Ninth St.	Necessitated by relocation of D.C.J.S.
6 VAC 20-240-70.B.1.	be currently certified as a School Security Officer or employed by the department	Be currently certified as a School Security Officer, employed by the department, or acting as consultant for the department;	Allows D.C.J.S. to subcontract training if necessary
6 VAC 20-240-80.B.2	be in good standing in the jurisdiction where approved as an instructor	Be in good standing in the school division or with the department	Allows D.C.J.S. to remove instructors for cause
6 VAC 20-240-90.3	inform the employing school division in writing within 10 days after pleading guilty or nolo contendere or being convicted or found guilty of any felony or misdemeanor	Inform the employing school division in writing within 72 hours or the beginning of the next work day, whichever comes first, after an arrest for any felony or misdemeanor.	In response to public comment
6 VAC 20-240-90.4	..., there being no appeal, or the time for appeal having elapsed.	Delete “there being no appeal, or the time for appeal having elapsed.”	Intent is for notice to be given regardless of intention or status of appeal.

Public comment

Please summarize all comments received during the public comment period following the publication of the proposed stage, and provide the agency response. If no comment was received, please so indicate.

<i>Commenter</i>	<i>Comments/Issues/Recommendations</i>	<i>Agency Response</i>
Dr. Chris Dunlap Danville P.S.	In the first section entitled Definitions a school security officer is identified as any person employed for the purposes of, “.....investigating violations of	Certified SSO’s should be empowered to initially investigate and report violations even if they are committed by staff or faculty. It is expected that a full investigation of such violations

	<p>school board policies”. It is our concern that this definition could involve people involved in investigating teachers and staff members who may have violated policies. Such investigations are usually handled by the Human Resource Department.</p>	<p>would be conducted in accordance with district policy by the department designated by the district.</p>
<p>Dr. Chris Dunlap Danville P.S.</p>	<p>Consider an exemption for individuals who are night watchmen and do not usually have student contact.</p>	<p>SSO’s who may be primarily night watchmen, may, in some districts, be required to substitute for officers working inside the school. For this reason it is necessary for all security personnel to be certified. This ensures a uniform standard of training regardless of the officer’s primary assignment.</p>
<p>Dr. Chris Dunlap Danville P.S.</p>	<p>More emphasis on crisis planning and threat assessments need to be included in training.</p>	<p>The current certification training modules address the minimum standards set out by the legislation. School districts are free to supplement this training with additional subject matter they deem necessary. This additional training may be submitted to DCJS for review and subsequent credit towards recertification.</p>
<p>A.M. Jacocks, Jr, Va Beach ,Chief of Police</p>	<p>...the same minimum training standards as given for an <u>unarmed</u> Special Conservator of the Peace (24 hours – Training Course 06E – attached) be applied for School Security Officer. In addition...additional requirements as currently found in the listed training courses:</p> <ol style="list-style-type: none"> 1. Security Officer Core Subjects – <u>Confrontation Management</u> (O1E) (2 hours) 2. Personal Protection Specialist – <u>Emergency Procedures</u> (32E) (12 hours) <p>The inclusion of the above subjects would rise the minimum course time from the currently proposed 32 hours to 36 hours; it could be easily</p>	<p>See above. Subjects suggested may be introduced by DCJS and offered to supplement the minimum standards addressed by the certification level training. Additional state- sponsored training will be offered based on available funding and personnel.</p>

	expanded to a 40 hour course with additional emphasis on CHINS and child abuse reporting criteria.	
Gary D. Ball, Security Specialist, Fairfax Co. P.S.	The SSO curriculum ... states that SSOs must be 21 years of age. ... Should those standards be included in the REGULATIONS or can the SSOs be younger than 21 ...?	Agree: Regulations should be amended to set a minimum age of 21 years.
Gary D. Ball, Security Specialist, Fairfax Co. P.S.	The SSO curriculum ... states that SSOs ... are required to “Have basic first aid “first responder” training”. Should those standards be included in the REGULATIONS or ... are [SSOs] not required to complete a first aid course?	Agree: SSO regulations should require that officers be trained in basic first aid. The level of training necessary should be left at the discretion of the school district.
Charlie T. Dean, Chief of Police, Pr. William Co.	...during initial background investigations for employment, it should be mandatory that all applicants be screened for illegal narcotic usage and each applicant be screened for any form of sexual offender history. These issues should be made a mandatory requirement to safeguard our children.	School attorneys have advised that it is not appropriate for SSO’s to have more stringent background checks than other school employees. (drug test) A sexual offender should be identified through the school’s mandated CCRE and FBI criminal history checks.
Gregory J. Martin, Safety & Sec. Sup., Stafford P.S.	Security officers go through a background check yearly, instead of every two years.	See above
A.M. Jacocks, Jr, Chief of Police, VA Beach	...School Security Officers be a minimum of 21 years of age, especially those to be employed in secondary schools.	See above
A.M. Jacocks, Jr, Chief of Police, VA Beach	Fingerprint checks should be completed <u>prior</u> to employment (see [Special Conservator of the Peace] 6 VAC 230-31), not within 30 days of employment as currently proposed.	Since most SSO’s are not under contract until the first week of school, this requirement would place a financial burden on the schools.
A.M. Jacocks, Jr, Chief of Police, VA Beach	Drug and Alcohol Testing should be mandated for School Security Officers as currently delineated in [Special Conservator of the Peace] 6 VAC 230-32. ...This proposal is completely lacking in the current DCJS proposals.	See above re: legal requirements of other school employees

<p>A.M. Jacocks, Jr, Chief of Police, VA Beach</p>	<p>That the standards for a School Security Officer mirror those already specifically set for Special Conservator of the Peace.</p>	<p>See above</p>
<p>A.M. Jacocks, Jr, Chief of Police, VA Beach</p>	<p>The 16-hour In Service requirements during the 2-year period following the initial certification are very good. However, no requirements are given for any period after that. ...suggest that the minimum of 8 hours per year continue.</p>	<p>Agree: wording should be added to specify 8 hrs per year.</p>
<p>Dr. Chris Dunlap, Danville P.S.</p>	<p>The section entitled <i>Initial Instructor Application</i> will cause some problems for smaller school districts. Few if any would have school security officers with three years of management experience or five years of general security experience and most certainly would not have “.....<i>experience as an instructor or teacher at an accredited educational institution or agency....</i>” As a result these districts would have to contract this training out and with such a small number of people trained as instructors this will be a very difficult provision to meet before the close of the school year.</p>	<p>DCJS will conduct several officer certification training courses each year which will be available for smaller districts with no instructors.</p>
<p>Dr. Chris Dunlap, Danville P.S.</p>	<p>Instructor requirements need to allow for more trainers. I know they are being lax right now but if they tighten up it will be difficult for some districts.</p>	<p>DCJS will continue to monitor the number and location of trainers throughout the state. Instructor certification classes will be held as needed.</p>
<p>Dr. Chris Dunlap, Danville P.S.</p>	<p>Allow local criminal justice academies to offer the training.</p>	<p>Since SSO’s are not law enforcement officers, it is unlikely the Criminal Justice Academies would consider adding this training to their schedules. We will however propose this and obtain feedback.</p>

<p>Gregory J. Martin, Safety & Sec. Sup., Stafford P.S.</p>	<p>... that DCJS recommend or suggest through a memorandum and in concurrence with the Department of Education, that direct supervision of Security Officers, be put under the local School Divisions Safety & Security Office (if in place) instead of being under direct supervision of the school principals. This would establish a unified security force, which would enable each division to obtain better statistics, compensation, personal evaluations, accountability, guidance, empowerment, higher moral and job retention. Currently, there is no command structure or a unified command for Security Officers. With a proposal from DCJS and DOE, inviting each school division to look into the possibility of unifying their Security Officer program, this would open a dialogue, which would lend the opportunity for potential change.</p>	<p>While this is the ideal, DCJS is not in the position to dictate the chain of command each school district chooses to utilize.</p>
<p>Frederick Horton, Richmond P.S.</p>	<p>... consider creating a School Security Compliance officer or agent within the VCSS to somewhat mirror the Compliance Agent under the Private Security Services.</p>	<p>This would be ideal and be explored as staff and resources permit. In the meantime we have personnel dedicated to this task.</p>
<p>James Bailey, Security Sup., Hampton P.S.</p>	<p>...reconsider the issue of allowing school security officers to possess valid conservator of the peace certifications. When the law changed back in 2001, there were no set regulations established through DCJS to monitor who was applying as a conservator of the peace under VA State Code 19.2-13. ...there are now current procedures governing the conservator of the peace powers. ...the law negatively impacted on some of the school divisions throughout the state, who do not currently utilize school resource officers. ...that school</p>	<p>This would require a change in legislation. The VCSS did not make this a regulation requirement but it was incorporated into the law. Therefore, a change in legislation is needed to change it.</p>

	<p>employees do not have arrest powers, it leaves our schools open to potential safety hazards when the police are not available. ...reconsider allowing school employees to become conservators of the peace as part of the proposed changes to the SSO regulations. ...</p>	
<p>Carrie E. Kearney, Portsmouth P.S.</p>	<p>... the time is right for ‘a bill to passed’ establishing a state mandate for the employment training, and certification of School Security Officers under the department of Criminal Justice Services Board. Passing the bill will be a giant ‘step in assuring’ ‘those who established careers in the School System.’ However a minimum standard of professional training for the function in maintaining a safe secure environment that is conducive to learning in our school.</p>	<p>This legislation and the accompanying regulations accomplish this.</p>
<p>John D. Collier, Director, Linwood Holton Governor’s School</p>	<p>... most of our school potential terrorist activities could easily be carried out by simple entry through most any unlocked door at any school site. One of the problems with this is so much entry and exit by students, faculty, et.als. Also, most schools tell visitors to report to the office...usually located inside the school facility causing the entrant to hang around or browse around with no negative consequences. Some attention to these entry and exit points would be the most important first step to prevention. ... remedied by parent volunteers at the entry and exit points of each building. Once some investigation or recognition of the entrant was made, a simple entry pass could be given for this person to go on to the office.</p>	<p>This is best addressed by on-site administrators and can be recommended through the annual school safety audit.</p>

<p>Gary D. Spoon, Jr., SSO, Fairfax Co.</p>	<p>...school security [officer] certification be extended to include all state colleges and universities.</p>	<p>These officers do not fall within the scope of this legislation. They primarily work with adults and in campus settings much different than K-12 School Security Officers.</p>
<p>Gary D. Spoon, Jr., SSO, Fairfax Co.</p>	<p>...a school security officer’s ability to write, speak, read English...would be helpful to make sure units respond promptly.</p>	<p>This agency will defer to the employing school division to set most hiring qualifications. The multicultural diversity in many schools could conceivably benefit from presence of an ESL (English second language) officer.</p>
<p>A.M. Jacocks, Jr., Chief of Police, Virginia Beach</p>	<p>...these proposals carry no requirements for drug and/or alcohol testing. ...the drug and alcohol testing requirements, as delineated for Special Conservators of the Peace (6 VAC 20-230-50), also become a requirement for anyone requesting appointment as a School Security Officer.</p>	<p>After much discussion with the School Security Advisory Committee on this topic, the consensus is that the school security officer standards should not be more restrictive than teachers, administrators or other school staff. Teachers and administrators are not required to submit to drug and/or alcohol tests as a condition of employment.</p> <p>The role of School Security Officers and Special Conservators of the Peace is very different in that Special Conservators of the Peace have law enforcement powers while School Security Officers enforce school rules.</p>
<p>James D. Fox, Chief of Police, Newport News</p>	<p>There is no indication that drug screenings will be required prior to hiring...[recommend] that candidates for these positions successfully pass a drug screening test, similar to the conservators of the peace, prior to being hired...</p>	<p>See similar comment above</p>
<p>James D. Fox, Chief of Police, Newport News</p>	<p>...CCRE inquiries...[recommend] that this examination be conducted and approved prior to the hiring of any school security officer. Under the current regulations the school system could hire a felon or sexual predator that could work within the school system prior to being identified.</p>	<p>The 30-day grace period while awaiting CCRE results, allows hiring school divisions to immediately utilize the services of the officers they hire in whatever capacity they direct. This flexibility recognizes the difficulty that school divisions experience in filling security officer positions that may unexpectedly become vacant due</p>

		to the transient nature of many officers in this profession. Administrative procedures that delay an officer’s deployment to the school could also jeopardize the safety of staff and students.
Charles Samarra, Chief of Police, Alexandria	...background investigations... It would be in the best interest of the community to have the results of such inquiries examined by the employing school division prior to date of hire preventing a loophole for possible offenders to enter our school system.	See above
A.M. Jacocks, Jr., Chief of Police, Virginia Beach	...criminal history checks...the employing school division has 30 days <u>from date of hire</u> to examine... <i>I would suggest no applicant be hired until <u>after</u> they have successfully completed these checks.</i>	See above
Vincent Roane, SSO, Richmond City	Please consider some of the following for topics for SSO training. Event security: sporting events, PTA events where money will be collected, School Board with heated topics, visiting VIPs	The Virginia Center for School Safety will continue to offer a wide variety of training options open to all school safety practitioners. This recommendation will be considered along with other relevant training topics for future sessions.
A. M. Jacocks, Jr., Chief of Police, Virginia Beach	...recommend that the minimum training standards for this position more closely mirror those given for an Unarmed Special Conservator of the Peace (6 VAC 20-230-160). The standards given for School Security Officer are exceedingly general....Exactly what does training in “relevant state and federal laws” mean? Where is this training defined or delineated? Also I see no instruction listed to detect child abuse or children in need of services (CHINS).	The training content for School Security Officers reflects those subjects listed in COV 9.1-102. The general nature of these training guidelines allows these minimum training standards to form a common training foundation that many local school divisions build upon. Most school divisions provide additional training for their officers to address issues specific to their local schools and communities. For officers that do not have access to additional local training, the Virginia Center for School Safety offers a variety of trainings each year for professional development.

		<p>“Relevant state and federal laws” refers to the 8-hr block of training devoted to school legal issues such as search and seizure, use of force, constitutional law that impacts school safety etc.</p>
<p>Robert C. Eckman, Chief Deputy, Sheriff’s Office, Frederick</p>	<p>suggest...adding an item ‘viii. Physical Restraint Techniques used by NREP, Therapeutics Crisis Intervention.’</p>	<p>The agency or the School Security Advisory Committee does not advocate or train in any force compliance procedure or restraint techniques for School Security Officers. The local school divisions determine their own Use of Force Policy.</p>
<p>A.M. Jacocks, Jr., Chief of Police, Virginia Beach</p>	<p>...this is not as strict as those for an Unarmed Special Conservator of the Peace (6 VAC 20-230-150). ...suggest that the standards of conduct for a School Security Officer more closely mirror those...</p>	<p>School Security Officers are engaged in tasks designed to enhance the safety, order, and discipline of the school environment. They are enforcing school policy, not the law. Their authority is controlled by the local school board and building administrator(s). This level of supervision and control at the local level makes stringent regulatory control unnecessary.</p>
<p>A. M. Jacocks, Jr., Chief of Police, Virginia Beach</p>	<p>...School Security Officers be required to notify their employer <u>immediately</u> if they are under investigation, or have been arrested, for any felony or misdemeanor charge.</p>	<p>Agree. The agency will amend this section to require officers who have been arrested to notify the employing school district within 72 hours or by beginning of next working day, whichever comes first.</p> <p>Notification of such incidents allows employing school division to review charges and assess behavior in light of own school board policies and codes of conduct.</p> <p>Localities may terminate based on their own cause and DCJS may decertify upon their request.</p>
<p>Charles Samarra, Chief of Police, Alexandria</p>	<p>...a school security officer should be required to notify the employing school division of any arrest and/or</p>	<p>Agree. See Above</p>

	outcome of any criminal proceeding, felony or misdemeanor within 24 hours of an arrest instead of within 10 days.	
James D. Fox, Chief of Police, Newport News	...any and all drug offenses of which they are convicted, plead guilty or plead no context to, would warrant de-certification by DCJS. There currently are some misdemeanor drug charges (possession of marijuana) in which a security officer could be convicted and not be decertified. ...do not believe we should have drug users of any type employed within the school systems...	The consensus of the School Security Advisory Committee was that the standards for School Security Officers must not be more stringent than those of teachers or other school personnel. The required reporting of all arrests (see comment above) will bring misdemeanor drug or sex offense charges to the attention of the employing school district. The school district then has the authority to implement the sanction(s) they feel are appropriate on a case-by-case basis.
Robert C. Eckman, Chief Deputy, Sheriff's Office, Frederick	...[add] additional text: 'or misdemeanor related to sex offenses, for example sexual battery or sex with a person over the age of 15, contributing to the delinquency of a minor.'	See above comment.
Howard B. Kiser, Superintendent of Schools, Gloucester	see correspondence dated 06-09-05 providing "the Memorandum of Understanding between Gloucester County Sheriff's Office and Gloucester County Public Schools".	Document relates to cooperation between School Resource Officers and the local school division, not School Security Officers.
Maj. J. Troutman, Hampton	[proposed regulations] They are acceptable as written.	

Enter any other statement here

All changes made in this regulatory action

Please detail all changes that are being proposed and the consequences of the proposed changes. Detail new provisions and/or all changes to existing sections.

Current Section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale

Enter any other statement here. See changes made since the proposed stage.

Family impact

Please assess the impact of the proposed regulatory action on the institution of the family and family stability.

This regulatory action will have a positive impact on the institution of the family from the perspective that trained and qualified School Security Officers will provide an enhanced level of safety and service to the children being educated in Virginia schools. Families are often stressed and impacted in a negative way by school issues such as bullying, fighting, drugs and weapons. Qualified and trained School Security Officers are able to reduce the likelihood of a child being exposed to an unsafe school climate. Children who study in a safe environment staffed by qualified and trained personnel are more likely to experience success in their educational endeavors, thus reducing the stress on the family unit.