



Virginia
Regulatory
Town Hall

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Fast Track Proposed Regulation Agency Background Document

Agency name	Department of Criminal Justice Services
Virginia Administrative Code (VAC) citation	6 VAC20-240
Regulation title	Regulations Relating to School Security Officers
Action title	Amend Regulations Relating to School Security Officers
Date this document prepared	June 13, 2014

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 14 (2010) 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of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed.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.

Pursuant to §2.2-4017 and Executive Order Number Fourteen, the Department is required to review existing regulations under their purview. The notice of periodic review of the regulation was posted on Town Hall for public comment beginning August 13, 2012 and ended on September 11, 2012. No comments were received.

As a result of this comprehensive review, the department recognized areas needing revision, to make these regulations consistent and to bring them current.

Acronyms and Definitions

Please define all acronyms used in the Agency Background Document. Also, please define any technical terms that are used in the document that are not also defined in the "Definition" section of the regulations.

DCJS: Department of Criminal Justice Services.

All technical terms have been defined in the "Definition" section of the regulation.

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 Criminal Justice Services Board approved these recommendations December 12, 2013.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant citations to the Code of Virginia or General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., agency, board, or person. Your citation should include a specific provision authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency/board/person's overall regulatory authority.

Chapter 836, 2002 Virginia Acts of Assembly (<http://lis.virginia.gov/cgi-bin/legp604.exe?021+ful+CHAP0836+hil>) amended section 9.1-102 of the Code of Virginia to add a requirement that DCJS, under the direction of the Board, shall have the power to: "44. Establish, in consultation with the Department of Education and the Virginia State Crime Commission, compulsory minimum standards for employment and job-entry and in-service training curricula and certification requirements for school security officers, which training and certification shall be administered by the Virginia Center for School Safety pursuant to § 9.1-184. Such training standards shall include, but shall not be limited to, the role and responsibility of school security officers, relevant state and federal laws, school and personal liability issues, security awareness in the school environment, mediation and conflict resolution, disaster and emergency response, and student behavioral dynamics. The Department shall establish an advisory committee consisting of local school board representatives, principals, superintendents, and school security personnel to assist in the development of these standards and certification requirements."

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 the regulation 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.

The purpose of this intended regulatory action is to revise and update the currently regulations governing school security officers. These regulations establish a certification process for school security officers. The requested revisions are essential to protect the safety and welfare of citizens to ensure that school security officers are receiving the correct training, and correct information, as the regulation is out of date. The goal of this proposal is to bring the training current with standard business practices as sought by constituents, and to update the out of date language within the regulation.

Rationale for using fast track process

Please explain the rationale for using the fast track process in promulgating this regulation. Why do you expect this rulemaking to be noncontroversial?

Please note: If an objection to the use of the fast-track process is received within the 30-day public comment period from 10 or more persons, any member of the applicable standing committee of either house of the General Assembly or of the Joint Commission on Administrative Rules, the agency shall (i) file notice of the objections with the Registrar of Regulations for publication in the Virginia Register, and (ii) proceed with the normal promulgation process with the initial publication of the fast-track regulation serving as the Notice of Intended Regulatory Action.

The rationale for fast tracking this change is due to the necessity of the change and the lack of controversy surrounding the change. Upon consultation of our advisory committee, which is comprised of school security points of contacts, the Department received only positive feedback regarding the proposed change. Overall, contacts were eager for the change to be implemented as it easily facilitates their duties and allows employees to begin hands-on job training sooner.

Substance

Please briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. (Provide more detail about these changes in the “Detail of changes” section.) Please be sure to define any acronyms.

The Code of Virginia, § 9.1-102 (44) instructs the Department of Criminal Justice Services to establish compulsory minimum standards for employment and job-entry and in-service training curricula and certification requirements for school security officers, which training and certification shall be administered by the Virginia Center for School Safety pursuant to § 9.1-184. Such training standards shall include, but shall not be limited to, the role and responsibility of school security officers, relevant state and federal laws, school and personal liability issues, security awareness in the school environment, mediation and conflict resolution, disaster and emergency response, and student behavioral dynamics.

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.

The primary advantage of the public and the Commonwealth will be a standard level of training for officers serving as School Security Officers. This will increase the professionalism of the field by ensuring that all officers are receiving viable up-to-date training.

There are no disadvantages to the public or the Commonwealth.

Requirements more restrictive than federal

Please identify and describe any requirement of the proposal which is more restrictive than applicable federal requirements. Include a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements or no requirements that exceed applicable federal requirements, include a statement to that effect.

There are no requirements exceeding federal requirements.

Localities particularly affected

Please identify any locality particularly affected by the proposed regulation. Locality particularly affected means any locality which bears any identified disproportionate material impact which would not be experienced by other localities.

No localities are uniquely affected by the proposed regulations, as they will apply statewide.

Regulatory flexibility analysis

Pursuant to §2.2-4007.1B of the Code of Virginia, please describe the agency's analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) the establishment of less stringent compliance or reporting requirements; 2) the establishment of less stringent schedules or deadlines for compliance or reporting requirements; 3) the consolidation or simplification of compliance or reporting requirements; 4) the establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the proposed regulation.

§ 9.1-102 (44) of the Code of Virginia directs the Department of Criminal Justice Services to establish these minimum requirements as set forth in 6VAC20-240, therefore, an alternative regulatory measure does not exist. Small businesses potentially affected by this regulation are private security firms contracting out personnel to school divisions.

Economic impact

Please identify the anticipated economic impact of the proposed new regulations or amendments to the existing regulation. When describing a particular economic impact, please specify which new requirement or change in requirement creates the anticipated economic impact. Please keep in mind that we are looking at the impact of the proposed changes to the status quo.

<p>Description of the individuals, businesses or other entities likely to be affected (positively or negatively) by this regulatory proposal. Think broadly, e.g., these entities may or may not be regulated by this board</p>	<p>School system and private security companies who employ School Security Officers will be impacted positively by being allowed to spend less time on mandating training which can be completed in less time.</p>
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<p>Agency’s best estimate of the number of (1) entities that will be affected, including (2) small businesses affected. Small business means a business, including affiliates, that is independently owned and operated, employs fewer than 500 full-time employees, or has gross annual sales of less than \$6 million.</p>	<p>1- Approximately 30 school divisions 2- Approximately 2 small businesses</p>
<p>Benefits expected as a result of this regulatory proposal.</p>	<p>Cost savings for school divisions and security companies.</p>
<p>Projected cost to the <u>state</u> to implement and enforce this regulatory proposal.</p>	<p>No change. The process for training approvals from the state will remain the same.</p>
<p>Projected cost to <u>localities</u> to implement and enforce this regulatory proposal.</p>	<p>Cost savings to localities.</p>
<p>All projected costs of this regulatory proposal for <u>affected individuals, businesses, or other entities</u>. Please be specific and include all costs, including projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses, and costs related to real estate development.</p>	<p>Cost savings for individuals, businesses, etc.</p>

Alternatives

Please describe any viable alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in §2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulation.

There are no alternatives to the proposed regulatory action.

Periodic review and small business impact review report of findings

If this fast-track regulation is not the result of a periodic review and/or small business impact review report of the regulation, please delete this entire section.

If this fast-track regulation is the result of a periodic review, please (1) summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and (2) indicate whether the regulation meets the criteria set out in Executive Order 14 (2010), e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable.

The notice of periodic review for this regulation was posted on Town Hall for public comment beginning August 13, 2012, and ended on September 11, 2012 and no comments were received. This regulation meets the requirements of Executive Order 14 (2010) and is necessary for the protection of public safety and welfare, is clearly written and is easily understandable. The continued need of this regulation is to meet the requirements set forth in § 9.1-102(44) of the Code of Virginia. This regulation had not been undergone a comprehensive review since 2006.

Commenter	Comment	Agency response
None.		

Family impact

Please assess the impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one’s spouse, and one’s children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

Revising these regulations for school security officers will enhance training services to our constituents and the citizens of the Commonwealth by ensuring that these officers are receiving valid, up-to-date training information.

Detail of changes

Please list all changes that are being proposed and the consequences of the proposed changes. If the proposed regulation is a new chapter, describe the intent of the language and the expected impact. Please describe the difference between existing regulation(s) and/or agency practice(s) and what is being proposed in this regulatory action.

If the proposed regulation is intended to replace an emergency regulation, please list separately (1) all differences between the pre-emergency regulation and this proposed regulation, and (2) only changes made since the publication of the emergency regulation.

For changes to existing regulation(s) or regulations that are being repealed and replaced, use this chart:

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change, intent, rationale, and likely impact of proposed requirements
6 VAC 20-240-10		“Director” means the chief administrative officer of the department.	Revise to include “or his designee”: “Director” means the chief administrative officer of the department or his designee .
6 VAC 20-240-20.A.6.b		The compulsory minimum training shall consist of a 32 hour school...	Replace “32 hour school” with “department approved”: The compulsory minimum training shall consist of a department approved...
6 VAC 20-240-20.D		None	Add “The director may grant an exemption or partial exemption from the compulsory minimum training standards set forth herein to a law enforcement officer of the Commonwealth who has had previous experience and training as provided in § 9.1-114 of the Code of Virginia.”
6 VAC		Address is currently listed as	Revise language to reflect current address:

20-240-60.C		"202 North Ninth Street, Richmond, Virginia 23219".	"1100 Bank Street, Richmond, Virginia, 23219".
Current section number	Proposed new section number, if applicable	Current requirement	Proposed change, intent, rationale, and likely impact of proposed requirements