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Notice of Intended Regulatory Action (NOIRA) Agency Background Document

Agency name	Department of Criminal Justice Services
Virginia Administrative Code (VAC) Chapter citation(s)	6 VAC 20-55
VAC Chapter title(s)	Regulations Relating Compulsory Minimum Training Standards for School Resource Officers
Action title	New Regulation Relating to Law Enforcement Officers Employed as School Security Officers
Date this document prepared	05/11/2026

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19, the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of the subject matter, intent, and goals of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation).

DCJS is promulgating a new regulation relating to the rules and requirements for certified law enforcement officers employed as school resource officers (SROs) in the Commonwealth. Although the passage of SB1130 and HB2609 (2019) mandated that DCJS establish (and every full-time or part-time law enforcement officer employed as an SRO after July 1, 2020 comply with) compulsory minimum training standards, the initiation of a regulatory action was never conducted. This legislation required that the training provided by the Department pursuant to such standards be specific to the role and responsibility of a law enforcement officer working with students in a school environment and to be available throughout the Commonwealth. The training has been offered by the Virginia Center for School Town Hall Agency Background Document Form: TH-05 2 and Campus Safety (VCSCS) for years, but this emergency action will ensure the agency's compliance with this legislative mandate that has been codified years ago. Further, on October 10, 2024, the Criminal Justice Services Board approved the

opening of an emergency regulatory action to promulgate what will be the new 6 VAC 20-55, as well as the regulatory text and sections themselves, but after consultation with the Office of the Attorney General in May of 2026, DCJS was advised that since there is no evident enactment clause in the legislation, to proceed as a traditional NOIRA rather than an emergency regulation.

Acronyms and Definitions

Define all acronyms or technical definitions used in this form.

Board: Criminal Justice Services Board, DCJS' policy board

DCJS: Department of Criminal Justice Services

CJSB: Criminal Justice Services Board, DCJS' policy board

Department: Department of Criminal Justice Services

SRO: School Resource Officer, a full-time or part-time certified law enforcement officer

VCSCS - Virginia Center for School and Campus Safety

Mandate and Impetus

Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation, (e.g., new or modified mandate, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, "mandate" has the same meaning as defined in the ORM procedures, "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."

This rulemaking was initially promulgated as an emergency situation in accordance with § 2.2-4011(B), as the passage of legislation in 2019 related to the certification requirements and compulsory minimum and in-service training standards related to law enforcement officers in the Commonwealth who are employed as SROs has been codified for years. SB1130 and the identical HB2609 (2019) mandated that DCJS develop such requirements and provide the training to these specific individuals, but a regulation was never promulgated. Pursuant to § 9.1-102(54) of the Code of Virginia, DCJS shall establish compulsory minimum training standards for the certification and recertification of law enforcement officers serving as school resource officers. Such training shall be specific to the role and responsibility of a law-enforcement officer working with students in a school environment and shall include (i) relevant state and federal laws; (ii) school and personal liability issues; (iii) security awareness in the school environment; (iv) mediation and conflict resolution, including de-escalation techniques; (v) disaster and emergency response; (vi) awareness of systemic and individual racism, cultural diversity, and implicit bias; (vii) working with students with disabilities, mental health needs, substance use disorders, or past traumatic experiences; and (viii) student behavioral dynamics, including current child and adolescent development and brain research. The VCSCS has been conducting such training for years, as this was mandate was codified in 2019, but this emergency action promulgates a new regulation for DCJS, ensuring that the agency is compliant with the 2019 legislation. After meeting with the Office of Regulatory Management, DCJS sought and obtained formal Board approval to move forward with an emergency regulatory action to promulgate the new 6 VAC 20-55 and all five sections and one applicable form relevant to SRO Town Hall Agency Background Document Form: TH-05 3 training and certification on October 10, 2024. The regulatory text itself was also approved by the CSJB on that same date. In May of 2026, however, upon reviewing, the Office of the Attorney General advised that this was not an emergency situation, due to the lack of an enactment clause on the

initial legislation, nor was it appropriate under 2.2-4011(B) of the Code of Virginia and advised to promulgate utilizing the traditional NOIRA and standard process.

Legal Basis

Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia and Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.

The promulgating agency for this emergency regulation is the Department of Criminal Justice Services, which has the regulatory authority under § 9.1-102 to do so. Pursuant to § 9.1-102, the Department, under the direction of the Board, which shall be the policy-making body for carrying out the duties and powers hereunder, shall have the power and duty to adopt regulations, pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), for the administration of this chapter. Additionally, DCJS has the authority and responsibility under § 9.1-102(54) of the Code of Virginia, to promulgate a regulation related to the compulsory minimum standards for full-time and part-time certified law enforcement officers in the Commonwealth who are employed as school resource officers.

Purpose

Describe the specific reasons why the agency has determined that this regulation is essential to protect the health, safety, or welfare of citizens. In addition, explain any potential issues that may need to be addressed as the regulation is developed.

DCJS has determined that this regulation is essential to protect the safety and welfare of citizens in the Commonwealth, and it has already been codified in § 9.1-102(54) for several years, though was never promulgated into regulation, which the reason for utilizing the emergency regulatory process, pursuant to § 2.2-4011(B) of the Code of Virginia. The purpose of this action to establish 6 VAC 20-55 as a new regulation for the Department is to outline the specific training, certification, and recertification requirements for those employed as SROs across the Commonwealth, after consulting with school superintendents, mental health professionals, and other subject matter experts used to assist in the development of the regulatory text. Ultimately, the inclusion of this regulation to the list of other criminal justice and law enforcement professions that DCJS regulates will assist in efforts to maintain the protection of and safety for countless citizens across Virginia (especially some of the youngest ones—our school-aged children), promote transparency in Department-approved training and requirements, and provide clarity to interested parties in how school resource officers are trained.

Substance

Briefly identify and explain the new substantive provisions that are being considered, the substantive changes to existing sections that are being considered, or both.

There will be many substantive changes included in this emergency action, as 6 VAC 20-55 will be a brand-new regulation for DCJS. Five sections of the regulation will be added to include information and requirements related to applicable definitions (6 VAC 20-55-10), compulsory minimum training standards (6 VAC 20-55-20), approval authority (6 VAC 20-55-30), certification and time completion requirements (6 VAC 20-55-40), certification status and in-service training (6 VAC 20-55-50), and a new FORMS section to house the School Resource Officer Training Extension form, or SRO-1, that was last updated in September 2024.

Alternatives to Regulation

Describe any viable alternatives to the regulatory change that were considered, and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the regulatory change. 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 regulatory change.

There are no viable alternatives to the promulgation of such regulation, as the as this was legislatively mandated and subsequently codified in § 9.1-102(54) in the Code of Virginia, after the passage of HB 2609 and the identical SB1130 (2019). The changes were not, however, incorporated into regulation at that time, so DCJS is of the belief that there are no alternatives to 6 VAC 20-55. The rules and requirements contained herein are neither burdensome nor intrusive to small businesses.

Periodic Review and Small Business Impact Review Announcement

If you wish to use this regulatory action to conduct, and this NOIRA to announce, a periodic review (pursuant to § 2.2-4017 of the Code of Virginia and the ORM procedures), and a small business impact review (§ 2.2-4007.1 of the Code of Virginia) of this regulation, keep the following text. Modify it as necessary for your agency. Otherwise, delete the paragraph below and insert “This NOIRA is not being used to announce a periodic review or a small business impact review.”

This NOIRA is not being used to announce a periodic review or a small business impact review.

Public Participation

Indicate how the public should contact the agency to submit comments on this regulation, and whether a public hearing will be held, by completing the text below. In addition, as required by § 2.2-4007.02 of the Code of Virginia, describe any other means that will be used to identify and notify interested parties and seek their input, such as regulatory advisory panels or general notices.

INSERT:

The Department of Criminal Justice Services is providing an opportunity for comments on this regulatory proposal, including but not limited to (i) the costs and benefits of the regulatory proposal, (ii) any alternative approaches, and (iii) the potential impacts of the regulation.

Anyone wishing to submit written comments for the public comment file may do so through the Public Comment Forums feature of the Virginia Regulatory Town Hall web site at:

<https://townhall.virginia.gov>. Comments may also be submitted by mail, email or fax to [Kristi Shalton, 1100 Bank Street, (804) 786-7801, or Kristi.shalton@dcjs.virginia.gov]. In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

A public hearing will not be held following the publication of the proposed stage of this regulatory action.