

EXECUTIVE ORDER #28

GUIDANCE



The Virginia Department of Education issues this formal guidance in response to Governor Youngkin's [Executive Order 28: Parental Notification, Law Enforcement Collaboration, and Student Education to Prevent Student Overdoses](#). The department is sharing best practices to support decision-making protocols that school leaders are grappling with when developing parent notification protocols and also re-enforcing best practices for law enforcement collaboration.

Parent Notification: When notifying all parents within a school division about a school-connected student overdose, school divisions should consider the following best practices when using regular communication channels, issuing notification within 24 hours, and ensuring protection of student privacy.

1. Notifying All Parents: School divisions should notify all families in the division when a school-connected student overdose occurs. It is important to make sure that parents (all legal parent and guardian points of contact in the student enrollment paperwork) can engage effectively in supporting their child/children in understanding the event that occurred in their school community, the dangers of drug use, and reinforce parent-school partnerships. A school division may consider differentiating communications for all school division parents and communications with parents of a specific school involved in the school-connected student overdose. The school impacted by the school-connected student overdose may want to provide additional targeted layers of communications around the event, preventative education tools, and emergency drug use resources.

2. Using Regular Communication Channels: School divisions across the Commonwealth often use regular or typical methods of communication to make a division-wide announcement and should continue to use the same methods of communication when making a school-connected student overdose notification.

For example, school divisions often use email as a primary method for “regular communications” and collect emails and alternate communication methods when asking parents to complete a student’s yearly enrollment form. The department recommends that school divisions use this methodology and consider additional communication methods for the parents of the school directly involved in the school-connected student overdose.

3. Within 24 hours: Often medical events require medical and/or law enforcement investigations to determine what occurred. While it is important to notify families as quickly as possible, the department recommends that the school division allow the medical and law enforcement professionals to medically/scientifically verify that the student emergency is a school-connected student overdose.

School personnel should always work closely with law enforcement as well as the student’s medical team to ensure that accurate information is shared with families.

4. School-connected student overdose: When a school division considers the definition of a “school-connected event”, schools should consider the legal requirements of what would be considered “a school-sponsored” activity. School-sponsored activities include all components of the school day

including bus stops, transportation, activities on the school campus, off-campus field trips, and any extracurricular event on or off the school campus (including but not limited to preparation for and involvement in public performances, contests, athletic competitions, demonstrations, displays, and club activities). When considering “overdose”, this language includes any drug-related overdose.

5. Ensuring Student Privacy Protections: Student privacy is governed by the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99), which is a federal law protecting the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education.

FERPA regulations (34 C.F.R. Part 99) impose limits on schools’ disclosure of personally-identifiable information from students’ education records. Information reporting the fact of a school-associated overdose may lawfully be shared in a communication from the school division either:

(1) With the written consent of the parent (for a student under the age of 18) or the student (if the student is over the age of 18) (34 C.F.R. § 99.30); or

(2) The information shared does not allow for the identification of a student to someone who does not have personal knowledge of the relevant circumstances, such de-identified information may be shared without consent. (34 C.F.R. § 99.31(b))

There are other situations under which FERPA may permit the disclosure of personally-identifiable information from students’ education records to be shared without consent, such as during a health or safety emergency. School divisions should consult with their legal counsel on FERPA’s requirements on the disclosure of any school-associated overdose.

Creating close collaboration between local school divisions and state law enforcement to prevent student overdoses.

“The school board in each school division in which the local law enforcement agency employs school resource officers, as defined in § 9.1-101, shall enter into a memorandum of understanding with such local law enforcement agency that sets forth the powers and duties of such school resource officers.” § 9.1-101 requires school divisions to:

- identify a law enforcement liaison or a school resource office and
- update the memorandum of understanding every two years.
- The department recommends that all school divisions review their memorandum of understanding to ensure that clear collaboration protocols are established for student overdoses. The Virginia Department of Criminal Justice Services has an updated [model MOU available](#) that school divisions and local school boards should consider.

In addition, the department recommends that local law enforcement and school divisions discuss how student overdoses will be confirmed and how to create collaborative communications that support strong parent engagement and effective investigation processes.

School divisions should also consider sharing this updated MOU with families and with the community in their next regular monthly communications. When updating protocols around collaboration, a school division should visit the [Virginia Center for School and Campus Safety](#) for additional resources and training.

Education Programs

In May of 2023, Governor Glenn Youngkin released [Executive Order 26](#), directing executive branch agencies to enact a first-of-its-kind comprehensive fentanyl strategy as part of the [Right Help, Right Now](#) behavioral health transformation.

On November 1, 2023, to ensure transparency and community awareness around the safety and well-being of Virginia's children, Governor Glenn Youngkin released [Executive Order 28](#). The Executive Order directed the Department of Education to issue guidance regarding best practices to support decision-making protocols for school leaders developing parent notification protocols, and re-enforcing best practices for law enforcement collaboration. A best practices resource document addressing those two of those three directives was released through Superintendent's Memorandum [#144-23](#), dated November 17, 2023.

The third element of Executive Order 28 also directed the Virginia Department of Education (VDOE) to issue information to local school divisions and parents about drug education and prevention programs for students.

The information below is meant to provide students, parents, and school personnel with critical information, programs, and resources on opioid use and abuse to ensure the health and safety of all students in Virginia.

The Impact of Opioids

In Virginia, drug overdoses are the leading cause of unnatural death and have been since 2013. More Virginians die every year from overdoses than from automobile crashes. Opioids - specifically fentanyl - has been the driving force behind the large increases. In 2021, fentanyl contributed to 76.4% of all Virginia overdose deaths. It was estimated that 98% of these fatal fentanyl overdoses in Virginia were caused by the illicit, rather than prescription, version of the drug. Awareness and education are two of the best defenses against opioid misuse and overdose.

The U.S. Department of Health and Human Services, [National Institutes of Health \(NIH\)](#), provides important [information on Opioids](#) and the devastating impact that the drug epidemic is having in our communities and schools. Resources include data on the current impact of opioids, [research on drug use and addiction](#), [overdose prevention](#), and [opioid overdose reversal medications](#).

The [Virginia Department of Health](#) provides [primary and overdose prevention strategies](#) in English and Spanish, Virginia-specific [drug overdose and health-related data](#), [health impact data](#), and [provider training and education](#).

Drug Education and Prevention Programs

Local school divisions and parents seeking information for students to develop good decision-making skills and prevent violations of Virginia law may consider the following:

Federal Programs and Resources

One Pill Can Kill: The United States Drug Enforcement Administration (DEA) created this campaign to encourage the use of social media to help raise public awareness of a significant nationwide surge in counterfeit pills that are mass-produced in labs, deceptively marketed as legitimate, and are killing Americans at an unprecedented rate. Virginia Attorney General Jason Miyares and First Lady Suzanne S.

Youngkin launched Virginia's "One Pill Can Kill" public awareness initiative in November 2022 to help generate open, honest conversations amongst families about the extreme threat that counterfeit drugs and opioids pose.

Substance Abuse and Mental Health Services Administration: SAMHSA is the agency within the U.S. Department of Health and Human Services leading public health efforts to advance the behavioral health of the nation. SAMHSA provides multiple resources on the warning signs of opioid overdose and how naloxone and medications for OUD treatment can help treat and prevent it.

The Rural Health Information Hub: The Rural Health Information Hub is funded by the Federal Office of Rural Health Policy to be a national clearinghouse on rural health issues. An available guide includes activities to address the opioid crisis in rural communities at the national, state, and local levels across the country. It identifies initiatives and funding opportunities, rural program examples, and tools and resources focused on prevention, harm reduction, and treatment.

National Institute on Drug Abuse: NIDA, under The National Institute of Health (NIH), is the lead federal agency supporting scientific research on drug use and addiction and provides data and resources on Opioid use.

Virginia Programs and Resources

Virginia Rules: Virginia Rules is an educational program especially designed to help instructors, parents, and students understand the laws that apply to Virginia teens in their everyday lives. Information includes violations and penalties regarding possession, sale, distribution, or manufacturing of opioids in the school setting.

Curb the Crisis: Curb the Crisis features information about where to seek treatment for opioid misuse for yourself or a loved one. Alongside the latest research and data on the opioid crisis, it also contains information on referral and treatment services in Virginia.

Substance Use Disorders and Opioid Addiction in School Communities: The VDOE Virginia Career and Learning Center for School Mental Health Professionals offers professional development and career opportunities for school counselors, school social workers, school psychologists, and other licensed school mental health professionals in Virginia Public Schools. This nine module training series provides school divisions and relevant stakeholders with important information on opioid overdose prevention, effective approaches, and access to care.

State Opioid Treatment Authority (SOTA): Each state has a designee that plays a key role in providing oversight and support to the opioid treatment programs that use methadone and other Food and Drug Administration-approved medications and provide counseling and other services to individuals with opioid use disorder. For Virginia, the SOTA is Diane Oehl - diane.oehl@dbhds.virginia.gov.

Programs for Decision Making Skills for Students Related to Opioids

Classroom Resources, Lessons, and Activities: From the National Institute of Health, this webpage contains lessons, activities, and drug facts to educate teens about the effects and consequences of drug use.

Operation Prevention: The DEA and Discovery Education created this resource to provide no-cost online tools that support every member of the community with the power of prevention. Information is

provided on life-saving conversations with standards-aligned English & Spanish-language resources for students in grades 3-12, plus additional resources designed for educators, families, and professionals.

PreVenture: This program reveals key information about participants' behaviors relating to substance use motives, drugs of choice, patterns of coping, and sensitivity.

This Is Not About Drugs: This youth education program addresses youth substance use with an emphasis on opioids (prescription pain medication, fentanyl and heroin).

Too Good for Drugs: A universal K-12 prevention education program designed to mitigate the risk factors and enhance protective factors related to alcohol, tobacco, and other drugs (ATOD) use.

Fentanyl Prevention Lessons: (coming early 2024) In 2019, the Virginia Foundation for Healthy Youth (VFHY) developed **Nicotine Products Prevention Lessons** to provide prevention education for K-12 grade about products that contain nicotine like cigarettes, electronic cigarettes (e-cigarettes) and more. The VFHY is preparing to rollout a similar structured prevention lesson on the dangers of Fentanyl. This lesson will be released and made available in early 2024.

Information and Considerations for Schools

Requirements for dispensing of Naloxone by trained individuals: *Code of Virginia 18VAC110-20-735* contains the requirements for persons authorized by the Department of Behavioral Health and Developmental Services to train individuals on the administration of naloxone and dispense naloxone for opioid overdose reversal.

Virginia Department of Health Naloxone External Website: The website provides the current Commissioner's Statewide Standing Order, information on the distribution of no-cost naloxone, and other FAQs for the public schools.

REVIVE! Opioid Overdose and Naloxone Education (OONE) program for the Commonwealth of Virginia: Virginia offers free trainings across the state on how to recognize and respond to an opioid overdose using naloxone.

Medicaid and Addiction Treatment: Virginia is also helping people overcome financial barriers to treatment by ensuring that Medicaid members can access addiction treatment services and by expanding the number of doctors and other health care providers who offer these treatment services. [Learn more about access to Medicaid services.](#)