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## Fast-Track Regulation Agency Background Document

<b>Agency name</b>	Department of Criminal Justice Services
<b>Virginia Administrative Code (VAC) Chapter citation(s)</b>	_6_ VAC_20_-_240_
<b>VAC Chapter title(s)</b>	Regulations Relating to School Security Officers
<b>Action title</b>	Repeal of School Security Officers Regulation
<b>Date this document prepared</b>	10/14/2022

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 this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.*

The Department of Criminal Justice Services seeks to repeal 6 VAC 20-240, which currently enumerates the compulsory minimum training standards and requirements relating to school security officers employed in the Commonwealth of Virginia. The Virginia Center for School and Campus Safety division of DCJS has been working with subject matter experts to establish a guidance document containing revised requirements and training standards for these civilian employees within schools, which will replace this regulation. This action is not expected to be controversial in nature, so this expedited, one-step process is appropriate.

### Acronyms and Definitions

*Define all acronyms used in this form, and any technical terms that are not also defined in the “Definitions” section of the regulation.*

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Board - Criminal Justice Services Board, DCJS’ policy board  
CJSB - Criminal Justice Services Board  
COT – Committee on Training  
DCJS – Department of Criminal Justice Services  
Department - The Virginia Department of Criminal Justice Services  
VCSCS - Division of Public Safety Training and the Virginia Center for School and Campus Safety  
SSO – School Security Officer

### Statement of Final Agency Action

*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.*

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On October 13, 2022, DCJS presented its Notice of Intended Regulatory Action summary for the Fast-Track repeal of 6 VAC 20-240, Regulations Relating to School Security Officers, to the COT (for informational purposes), and to the CJSB for formal approval. The Board approved moving forward with the repeal of this regulation, as DCJS anticipates submitting a new guidance document in early 2023 to replace this regulation.

### 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.”*

*Consistent with Virginia Code § 2.2-4012.1, also explain why this rulemaking is expected to be noncontroversial and therefore appropriate for the fast-track rulemaking process.*

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While there is no formal mandate for this repeal and overall regulatory change, after additional review by both DCJS and the Secretary of Public Safety and Homeland Security, the Department is of the position that the replacement of revised training standards and requirements for SSOs is more appropriate as a guidance document. Additionally, per § 2.2-4012.2, the repeal of 6 VAC 20-240 is expected to be noncontroversial in nature, as all parties involved are in favor of this regulatory change, and formal Board approval was given at the October 13, 2022 CJSB meeting.

### 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.*

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The Department, pursuant to § 9.1-102, 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:

1. Adopt regulations, pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), for the administration of this chapter including the authority to require the submission of reports and information by law-enforcement officers within the Commonwealth. Any proposed regulations concerning the privacy, confidentiality, and security of criminal justice information shall be submitted for review and comment to any board, commission, or committee or other body which may be established by the General Assembly to regulate the privacy, confidentiality, and security of information collected and maintained by the Commonwealth or any political subdivision thereof;

42. 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, including school security officers described in clause (b) of § 22.1-280.2:1, which training and certification shall be administered by the Virginia Center for School and Campus Safety (VCSCS) pursuant to § 9.1-184. Such training standards shall be specific to the role and responsibility of school security officers 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 such as a physical alternative to restraint; (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, and past traumatic experiences; and (viii) student behavioral dynamics, including child and adolescent development and brain research. 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 the standards and certification requirements in this subdivision. The Department shall require any school security officer who carries a firearm in the performance of his duties to provide proof that he has completed a training course provided by a federal, state, or local law-enforcement agency that includes training in active shooter emergency response, emergency evacuation procedure, and threat assessment;

**Purpose**

*Explain the need for the regulatory change, including a description of: (1) the rationale or justification, (2) the specific reasons the regulatory change is essential to protect the health, safety or welfare of citizens, and (3) the goals of the regulatory change and the problems it is intended to solve.*

The purpose of this regulatory change and the repeal of 6 VAC 20-240 is to eliminate confusion and unnecessary regulations, and instead promulgate the compulsory minimum training standards and requirements for civilian employees of schools, serving in the role of a school security officer as a guidance document. The repeal of this regulation in its entirety (and the replacement with a guidance document) will provide enhanced clarity of the intended training requirements for these individuals to DCJS constituents, as well as to members of the general public that may inquire as to the role of SSOs, while supporting the current administration’s desire to reduce the regulatory burden for state agencies in the Commonwealth. It will have no impact on the health, safety, or welfare of citizens, and is expected to be non-controversial in nature.

**Substance**

*Briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both. A more detailed discussion is provided in the “Detail of Changes” section below.*

The substantive changes to the current 6 VAC 20-240 are that all regulatory sections will be repealed in their entirety.

**Issues**

*Identify the issues associated with the regulatory change, 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, include a specific statement to that effect.*

There are no known disadvantages to the public, DCJS, public schools, or any other agency in the Commonwealth by repealing 6 VAC 20-240 and replacing the regulation with a guidance document. The primary advantages to DCJS and its constituents are increased clarity of SSOs' roles and responsibilities, as well supporting overall regulatory reduction for the agency.

**Requirements More Restrictive than Federal**

*Identify and describe any requirement of the regulatory change which is more restrictive than applicable federal requirements. Include a specific citation for each applicable federal requirement, and 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 specific statement to that effect.*

There are no applicable federal requirements, nor requirements that exceed applicable federal requirements.

**Agencies, Localities, and Other Entities Particularly Affected**

*Consistent with § 2.2-4007.04 of the Code of Virginia, identify any other state agencies, localities, or other entities particularly affected by the regulatory change. Other entities could include local partners such as tribal governments, school boards, community services boards, and similar regional organizations. "Particularly affected" are those that are likely to bear any identified disproportionate material impact which would not be experienced by other agencies, localities, or entities. "Locality" can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulation or regulatory change are most likely to occur. If no agency, locality, or entity is particularly affected, include a specific statement to that effect.*

**Other State Agencies Particularly Affected**

As DCJS will be promulgating a new guidance document which will house the revised standards and requirements for SSOs, no other state agencies will be affected by this regulatory change.

**Localities Particularly Affected**

As a new guidance document is expected to be promulgated by the Department in early 2023, no additional localities are to be particularly affected by this regulatory change.

**Other Entities Particularly Affected**

There are no additional entities that will be particularly affected.

**Economic Impact**

*Consistent with § 2.2-4007.04 of the Code of Virginia, identify all specific economic impacts (costs and/or benefits), anticipated to result from the regulatory change. When describing a particular economic impact, specify which new requirement or change in requirement creates the anticipated economic impact. Keep in mind that this is the proposed change versus the status quo.*

**Impact on State Agencies**

<p><i>For your agency:</i> projected costs, savings, fees or revenues resulting from the regulatory change, including:                  a) fund source / fund detail;                  b) delineation of one-time versus on-going expenditures; and                  c) whether any costs or revenue loss can be absorbed within existing resources</p>	<p>There will be no projected costs, savings, fees, or revenues resulting from this regulatory change.</p>
<p><i>For other state agencies:</i> projected costs, savings, fees or revenues resulting from the regulatory change, including a delineation of one-time versus on-going expenditures.</p>	<p>There will be no projected costs, savings, fees, or revenues for other state agencies resulting from this regulatory change.</p>
<p><i>For all agencies:</i> Benefits the regulatory change is designed to produce.</p>	<p>Although no economic impact will be felt by any agency (to include DCJS) or locality as a result of this change, the overall benefits include enhanced clarity of the requirements for SSOs employed by schools in Virginia, as well as the reduction of the number of current regulations for Department.</p>

**Impact on Localities**

*If this analysis has been reported on the ORM Economic Impact form, indicate the tables (1a or 2) on which it was reported. Information provided on that form need not be repeated here.*

<p>Projected costs, savings, fees or revenues resulting from the regulatory change.</p>	<p>There are no projected costs, savings, fees, or revenues to localities resulting from the repeal of 6 VAC 20-240.</p>
<p>Benefits the regulatory change is designed to produce.</p>	<p>There are no benefits to localities other than increased clarity of the requirements of SSOs, as this regulatory change will not impact any additional agencies or organizations. Individuals or schools looking for the training requirements for these individuals will now obtain the information from a DCJS-published guidance document, rather than from regulatory text within Administrative Code.</p>

**Impact on Other Entities**

*If this analysis has been reported on the ORM Economic Impact form, indicate the tables (1a, 3, or 4) on which it was reported. Information provided on that form need not be repeated here.*

<p>Description of the individuals, businesses, or other entities likely to be affected by the regulatory change. If no other entities will be affected, include a specific statement to that effect.</p>	<p>There will be no additional impact to individuals or businesses as a result of this regulatory change.</p>
<p>Agency's best estimate of the number of such entities that will be affected. Include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that:  a) is independently owned and operated and;  b) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.</p>	<p>No small businesses will be affected by this change, nor will any additional entities.</p>
<p>All projected costs for affected individuals, businesses, or other entities resulting from the regulatory change. Be specific and include all costs including, but not limited to:  a) projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses;  b) specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the regulatory change;  c) fees;  d) purchases of equipment or services; and  e) time required to comply with the requirements.</p>	<p>There are no projected costs associated with this regulatory change.</p>
<p>Benefits the regulatory change is designed to produce.</p>	<p>This regulatory change will repeal the existing regulation and instead house the revised training standards and requirements for SSOs within a guidance document. There are no additional benefits to constituents, outside agencies, the public, or DCJS.</p>

**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 alternatives to this regulatory change. The Department of Criminal Justice Services and the Office of the Secretary of Public Safety and Homeland Security are in agreement that DCJS is well within its authority to repeal the existing 6 VAC 20-240, and instead house the information within a Department-published guidance document for constituent consumption. Repealing 6 VAC 20-240 will have no economic (or otherwise adverse) impact to any additional agencies, and, to date, there is no opposition to making this change.

*If this analysis has been reported on the ORM Economic Impact form, indicate the tables on which it was reported. Information provided on that form need not be repeated here.*

## Regulatory Flexibility Analysis

*Consistent with § 2.2-4007.1 B of the Code of Virginia, 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) establishing less stringent compliance or reporting requirements; 2) establishing less stringent schedules or deadlines for compliance or reporting requirements; 3) consolidation or simplification of compliance or reporting requirements; 4) establishing 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 regulatory change.*

There will be no adverse impact on small businesses due to this regulatory change. There are currently no alternative regulatory methods consistent with health, safety, environmental, and/or economic welfare, as none are applicable.

*If this analysis has been reported on the ORM Economic Impact form, indicate the tables on which it was reported. Information provided on that form need not be repeated here.*

## 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.*

*Consistent with § 2.2-4011 of the Code of Virginia, 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: 1) file notice of the objections with the Registrar of Regulations for publication in the Virginia Register and 2) proceed with the normal promulgation process with the initial publication of the fast-track regulation serving as the Notice of Intended Regulatory Action.*

If you are objecting to the use of the fast-track process as the means of promulgating this regulation, please clearly indicate your objection in your comment. Please also indicate the nature of, and reason for, your objection to using this process.

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 and any alternative approaches, (ii) the potential impacts of the regulation, and (iii) the agency's regulatory flexibility analysis stated in this background document.

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, Richmond, Virginia 23219, [Kristi.shalton@dcjs.virginia.gov](mailto:Kristi.shalton@dcjs.virginia.gov), or fax (804) 786-0410. In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

## Detail of Changes

List all regulatory changes and the consequences of the changes. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. For example, describe the intent of the language and the expected impact. Describe the difference between existing requirement(s) and/or agency practice(s) and what is being proposed in this regulatory change. Use all tables that apply, but delete inapplicable tables.

If an existing VAC Chapter(s) is being amended or repealed, use Table 1 to describe the changes between existing VAC Chapter(s) and the proposed regulation. If existing VAC Chapter(s) or sections are being repealed and replaced, ensure Table 1 clearly shows both the current number and the new number for each repealed section and the replacement section.

**Table 1: Changes to Existing VAC Chapter(s)**

Current chapter-section number	New chapter-section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of new requirements
6 VAC 20-240-10		<p>The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:</p> <p>"Approved instructor" means a person who has been approved by the department to instruct in the school security officer training course.</p> <p>"Approved training" means training approved by the department to meet compulsory minimum training standards.</p> <p>"Approved training session" means a training session that is approved by the department for the specific purpose of training school security officers.</p> <p>"Board" means the Criminal Justice Services Board or any successor board or agency.</p> <p>"Certification" means a method of regulation indicating that qualified persons have met the minimum requirements as school security officers.</p> <p>"Compulsory minimum training standards" means the performance outcomes and minimum hours approved by the board.</p> <p>"Date of hire" means the date any employee of a school board or system is hired to provide security services for a school and whom the department must regulate.</p>	<p>Intent is to repeal this section in its entirety with no impact, as a new guidance document containing this information will be promulgated by the Department in early 2023.</p>



		<p>"Department" means the Department of Criminal Justice Services or any successor agency.</p> <p>"Director" means the chief administrative officer of the department or his designee.</p> <p>"In-service training requirement" means the compulsory in-service training standards adopted by the board for school security officers.</p> <p>"School security officer" means an individual who is employed by the local school board for the singular purpose of maintaining order and discipline, preventing crime, investigating violations of school board policies, and detaining students violating the law or school board policies on school property or at school-sponsored events and who is responsible solely for ensuring the safety, security, and welfare of all students, faculty, staff, and visitors in the assigned school.</p> <p>"This chapter" means the Regulations Relating to School Security Officers (<a href="#">6VAC20-240</a>).</p> <p>"Training certification" means verification of the successful completion of any training requirement established by this chapter.</p> <p>"Training requirement" means any entry-level or in-service training or retraining standard established by this chapter.</p>	
<p>6 VAC 20-240-20</p>		<p>A. In addition to meeting all the hiring requirements of the employing school board, all school security officers who enter upon the duties of such office on or after September 1, 2004, are required to meet the following minimum certification and training requirements. Such person shall:</p> <ol style="list-style-type: none"> <li>1. Undergo a background investigation to include fingerprint-based criminal history record inquiry of both the Central Criminal Records Exchange (CCRE) and the Federal Bureau of Investigation (FBI). Results of such inquiries shall be examined by the employing school division within 30 days of date of hire;</li> <li>2. Have a high school diploma, have passed the General Educational Development exam,</li> </ol>	<p>Intent is to repeal this section in its entirety with no impact, as a new guidance document containing this information will be promulgated by the Department in early 2023.</p>

		<p>or have passed the National External Diploma Program;</p> <p>3. Be a minimum of 21 years of age;</p> <p>4. Possess a valid driver's license if required by the duties of office to operate a motor vehicle;</p> <p>5. Successfully complete basic first aid training. The level and substance of such training shall be at the discretion of the employing school division;</p> <p>6. Comply with compulsory minimum entry-level training requirements approved by the board:</p> <p style="padding-left: 20px;">a. Every school security officer hired on or after September 1, 2004, is required to comply with the compulsory minimum training standards within 60 days of the date of hire as a school security officer.</p> <p style="padding-left: 20px;">b. The compulsory minimum training shall consist of a Department of Criminal Justice Services-approved security officer training course developed by the department. Such training shall include but not be limited to:</p> <p style="padding-left: 40px;">(1) The role and responsibility of school security officers;</p> <p style="padding-left: 40px;">(2) Relevant state and federal laws;</p> <p style="padding-left: 40px;">(3) School and personal liability issues;</p> <p style="padding-left: 40px;">(4) Security awareness in the school environment;</p> <p style="padding-left: 40px;">(5) Mediation and conflict resolution;</p> <p style="padding-left: 40px;">(6) Disaster and emergency response; and</p> <p style="padding-left: 40px;">(7) Student behavioral dynamics.</p> <p style="padding-left: 20px;">c. The compulsory minimum training shall include a test for each module approved and provided by the department with a minimum</p>	
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		<p>passing grade of 80% on each module; and</p> <p>7. Submit to the department a properly completed and signed application for certification from the localities in a format provided by the department.</p> <p>B. All costs associated with the background investigation, submission of fingerprints for criminal history record inquiries, and basic first aid training to meet the hiring requirements are the responsibility of that locality.</p> <p>C. The department may grant an extension of the time limit for completion of the compulsory minimum training standards under the following documented conditions:</p> <ol style="list-style-type: none"> <li>1. Illness or injury;</li> <li>2. Military service;</li> <li>3. Special duty required and performed in the public interest;</li> <li>4. Administrative leave, full-time educational leave or suspension pending investigation or adjudication of a crime; or</li> <li>5. Any other reasonable situation documented by the employing school division superintendent or designee.</li> </ol> <p>D. The director may grant an exemption or partial exemption from the compulsory minimum training standards set forth in this chapter 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.</p>	
<p>6 VAC 20-240- 30</p>		<p>A. The department will notify the applicant for school security officer certification and the superintendent of the employing school division that the school security officer is certified in accordance with this regulation after the following conditions are met:</p> <ol style="list-style-type: none"> <li>1. Notification to the department by the instructor that the applicant for school security officer certification has successfully completed the compulsory minimum entry-level training;</li> </ol>	<p>Intent is to repeal this section in its entirety with no impact, as a new guidance document containing this information will be promulgated by the Department in early 2023.</p>

		<p>2. Receipt by the department of signed application for certification.</p> <p>B. If a school security officer seeking certification is denied by the department, the department will notify the superintendent and the applicant by letter outlining the basis for the denial and the process for appeal of the decision to deny.</p> <p>C. The department shall maintain a current database of certified school security officers as well as relevant training records.</p> <p>D. Certification shall be for a period not to exceed 24 months.</p>	
<p>6 VAC 20-240- 40</p>		<p>A school security officer shall:</p> <ol style="list-style-type: none"> <li>1. Conform to all requirements pursuant to the Code of Virginia and this chapter;</li> <li>2. Maintain at all times with the employing school division a valid mailing address. Written notification of any address change shall be submitted to the division no later than 10 days after the effective date of the change;</li> <li>3. 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;</li> <li>4. Inform the employing school division in writing within 10 days after having been found guilty by any court or administrative body of competent jurisdiction to have violated the school security officer statutes or regulations of that jurisdiction.</li> </ol>	<p>Intent is to repeal this section in its entirety with no impact, as a new guidance document containing this information will be promulgated by the Department in early 2023.</p>
<p>6 VAC 20-240- 50</p>		<p>A. Applications for recertification shall be received by the department at least 30 days before certification expiration. It is the responsibility of the individual to ensure recertification applications are filed with the department. A valid certification as a school security officer is required in order to remain eligible for employment as a school security officer. If the school security officer recertification application is on file with the department 30 days prior to expiration, the school security officer may continue to operate in the school security officer capacity</p>	<p>Intent is to repeal this section in its entirety with no impact, as a new guidance document containing this information will be promulgated by the Department in early 2023.</p>

		<p>pending notification by the department.</p> <p>B. Applicants for recertification must complete 16 hours of in-service training during each two-year period after initial certification. The in-service training must be school security officer related to include a legal update and other relevant topics approved by the department.</p> <p>C. Individuals whose certification is expired shall comply with the initial certification requirements set forth in this chapter.</p> <p>D. The department, subject to its discretion, retains the right to grant an extension of the recertification time limit and requirements under the following conditions:</p> <ol style="list-style-type: none"> <li>1. Illness or injury;</li> <li>2. Military service;</li> <li>3. Special duty required and performed in the public interest;</li> <li>4. Administrative leave, full-time educational leave or suspension pending investigation or adjudication of a crime; or</li> <li>5. Any other reasonable situation documented by the employing school division superintendent or designee.</li> </ol> <p>E. Request for extensions shall:</p> <ol style="list-style-type: none"> <li>1. Be submitted in writing and signed by the school superintendent or designee prior to the expiration date of the time limit for completion of the requirement;</li> <li>2. Indicate the projected date for the completion of the requirement.</li> </ol>	
<p>6 VAC 20-240- 60</p>		<p>A. The department may decertify for any of the following reasons. The school security officer has:</p> <ol style="list-style-type: none"> <li>1. Been convicted of or pled guilty or no contest to a felony or any offense that would be a felony if committed in Virginia;</li> <li>2. Failed to comply with or maintain compliance with compulsory minimum training requirements;</li> <li>3. Refused to submit to a drug screening or has produced a</li> </ol>	<p>Intent is to repeal this section in its entirety with no impact, as a new guidance document containing this information will be promulgated by the Department in early 2023.</p>

		<p>positive result on a drug screening reported to the employing school board where the positive result cannot be explained to the school board's satisfaction;</p> <p>4. Violated any standard of conduct set forth in <a href="#">6VAC20-240-40</a>;</p> <p>5. Violated any other school board policy; or</p> <p>6. Been terminated by the employing school division.</p> <p>B. Such school security officer shall not have the right to serve as a school security officer within this Commonwealth until the department has reinstated the certification.</p> <p>C. The findings and the decision of the department may be appealed to the board provided that written notification is given to the attention of the Director, Department of Criminal Justice Services, 1100 Bank Street, Richmond, Virginia 23219, within 30 days following the date notification of the decision was served, or the date it was mailed to the respondent, whichever occurred first. In the event the hearing decision is served by mail, three days shall be added to that period. (Rule 2A:2 of Rules of the Virginia Supreme Court)</p>	
<p>6 VAC 20-240- 70</p>		<p>A. The department may approve instructors to deliver school security officer training and may revoke such approval for just cause.</p> <p>B. Each person applying for instructor approval shall:</p> <p>1. Be currently certified as a school security officer, employed by the department, or acting as a consultant for the department;</p> <p>2. Have a high school diploma or equivalent (GED) or have passed the National External Diploma Program;</p> <p>3. Have a minimum of:</p> <p style="padding-left: 40px;">a. Three years management or supervisory experience as a school security officer or with any federal, military police, state, county or municipal law-enforcement agency in a related field; or</p> <p style="padding-left: 40px;">b. Five years general experience as a school</p>	<p>Intent is to repeal this section in its entirety with no impact, as a new guidance document containing this information will be promulgated by the Department in early 2023.</p>

		<p>security officer, or with a federal, state or local law-enforcement agency in a related field;</p> <p>4. Have completed:</p> <p>a. A school security officer instructor course approved by the department; or</p> <p>b. Have a minimum of one-year experience as an instructor or teacher in an accredited educational institution or law-enforcement agency.</p> <p>C. Each person applying for instructor approval shall file with the department:</p> <p>1. A properly completed application provided by the department;</p> <p>2. Documentation verifying that the applicant meets the minimum eligibility requirements pursuant to this section;</p> <p>3. Documentation verifying previous instructor experience, training, work experience and education for those subjects in which certification is requested.</p> <p>D. The department will evaluate qualifications based upon the justification provided.</p> <p>E. Upon completion of the instructor application requirements, the department may approve the instructor for a period not to exceed 24 months.</p> <p>F. Each instructor shall conduct himself in a professional manner and the department may revoke instructor approval for just cause.</p> <p>G. Applicants for instructor approval may submit a waiver application form for review by the department outlining previous instructor training or related experience. The department reserves the right to review each waiver application and evaluate qualifications and experience on an individual basis.</p>	
<p>6 VAC 20-240- 80</p>		<p>A. Renewal instructor applications shall be received by the department at least 30 days before expiration. It is the responsibility of the instructor to ensure renewal requirements are filed with the department.</p>	<p>Intent is to repeal this section in its entirety with no impact, as a new guidance document containing this information will be promulgated by the Department in early 2023.</p>

		<p>B. Each person applying for renewal instructor approval shall meet the minimum requirements for eligibility as follows:</p> <ol style="list-style-type: none"> <li>1. Successfully complete the eight-hour instructor in-service training as required by the department within the 12 months immediately preceding the expiration date of the current approval; and</li> <li>2. Be in good standing in the school division or with the department.</li> </ol> <p>C. The department may renew instructor approval for a period not to exceed 24 months.</p> <p>D. The department may renew instructor approval when the department receives a properly completed renewal application provided by the department.</p> <p>E. Any renewal instructor application received by the department shall meet all renewal requirements before the expiration date of approval. Individuals whose approval is expired may be subject to the initial approval requirements.</p>	
<p>6 VAC 20-240- 90</p>		<p>An instructor shall:</p> <ol style="list-style-type: none"> <li>1. Conform to all requirements pursuant to the Code of Virginia and this chapter;</li> <li>2. Maintain a current mailing address with the department. Written notification of any address change shall be received by the department no later than 10 days after the effective date of the change;</li> <li>3. Inform the department in writing within 72 hours or the beginning of the next work day, whichever comes first, after an arrest for any felony or misdemeanor;</li> <li>4. Inform the department in writing within 10 days after having been found guilty by any court or administrative body of competent jurisdiction to have violated the school security officer statutes or regulations of that jurisdiction;</li> <li>5. Conduct training sessions pursuant to requirements established in this chapter;</li> </ol>	<p>Intent is to repeal this section in its entirety with no impact, as a new guidance document containing this information will be promulgated by the Department in early 2023.</p>



		<p>6. Notify the department within 10 calendar days following termination of employment; and</p> <p>7. Conduct himself in a professional manner.</p>	
<p>6 VAC 20-240- 100</p>		<p>A. School security officer instructors shall ensure that training sessions are conducted in accordance with requirements established in this chapter. Adherence to the administrative requirements, attendance, and standards of conduct are the responsibility of the instructor of the training session.</p> <p>B. Administrative requirements.</p> <p>1. In a manner approved by the department, an approved instructor must submit a notification to conduct a training session to the department. All notifications shall be received by the department, or postmarked if mailed, no less than 30 calendar days before the beginning of each training session to include the date, time, instructors, and location of the training session. The department may allow a training session to be conducted with less than 30 calendar days of notification with prior approval.</p> <p>2. The instructor must submit notification of any changes to the date, time, location, or cancellation of a future training session to the department in writing. This notice must be received by the department at least 24 hours in advance of the scheduled starting time of the class. In the event that a session must be cancelled on the scheduled date, the department must be notified immediately followed by a cancellation in writing as soon as practical.</p> <p>3. A test determined by the department shall be administered at the conclusion of each module of the entry-level training session. The student must attain a grade of 80% on each module. All tests must be returned to the department with the accompanying training roster and attendance records in a manner approved by the department.</p> <p>4. In a manner approved by the department, the instructor shall submit an original training completion roster to the department listing testing scores</p>	<p>Intent is to repeal this section in its entirety with no impact, as a new guidance document containing this information will be promulgated by the Department in early 2023.</p>

		<p>and attendance records for each student. The training completion roster shall be received by the department within seven calendar days, or postmarked if mailed, no later than five business days following the training completion date.</p> <p>5. Instructors will conduct training sessions utilizing lesson plans developed by the department including at a minimum the compulsory minimum training standards established pursuant to this chapter. Instructors must maintain accurate and current information on relevant laws and make changes to the curriculum. It is the instructor's responsibility to assure they have the most recent curriculum supplied by the department.</p> <p>6. Instruction shall be provided in no less than four-hour sessions for a combined total certification course of 32 hours.</p> <p>7. A training session must adhere to the minimum compulsory training standards and must be presented in its entirety.</p> <p>8. The instructor shall permit the department to inspect and observe any training session.</p> <p>9. Mandated training conducted not in accordance with the Code of Virginia and this chapter is invalid.</p> <p>C. Attendance.</p> <p>1. School security officers enrolled in an approved training session are required to be present for the hours required for each training session.</p> <p>2. Tardiness and absenteeism will not be permitted. Individuals violating these provisions will be required to make up any training missed. Such training must be completed within 60 days after the completion of the training session or at the next available session offered if it is held in the same school year. Individuals not completing the required training within this period may not be certified or recertified and may be required to complete the entire training session.</p> <p>3. Individuals who do not successfully complete the</p>	
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		<p>compulsory minimum training standards of the training session shall be reported to the department and will not be certified.</p> <p>4. Each individual attending an approved session shall comply with the regulations promulgated by the board and any other rules applicable to the session. If the instructor considers a violation of the rules detrimental to the training of other students or to involve cheating on tests, the instructor may expel the individual from the session. The instructor shall immediately report such action to the employing locality and the department.</p>	
<p>6 VAC 20-240- 110</p>		<p>A. The board shall be the approval authority for the training categories, hours and performance outcomes of the compulsory minimum training standards. Amendments to training categories, hours and performance outcomes shall be made in accordance with the provisions of the Administrative Process Act (§ <a href="#">2.2-4000</a> et seq. of the Code of Virginia).</p> <p>B. The board shall be the approval authority for the training objectives, criteria and lesson plan guides that support the performance outcomes. Training objectives, criteria and lesson plan guides supporting the compulsory minimum training standards and performance outcomes may be added, deleted or amended by the board based upon written recommendation of the School Security Officer Advisory Committee.</p> <p>C. Prior to approving changes to training objectives, criteria or lesson plan guides, the board shall conduct a public hearing. Sixty days before the public hearing, the proposed changes shall be distributed to all affected parties for the opportunity to comment. Notice of change of training objectives, criteria and lesson plan guides shall be filed for publication in the Virginia Register of Regulations upon adoption, change or deletion. The department shall notify each approved instructor in writing of any new, revised or deleted objectives. Such adoptions, changes or deletions shall become effective 30 days after notice of publication in the Virginia Register.</p>	<p>Intent is to repeal this section in its entirety with no impact, as a new guidance document containing this information will be promulgated by the Department in early 2023.</p>

6 VAC 20-240- 120		The board will hear and act upon appeals arising from decisions made by the director. In all case decisions, the Criminal Justice Services Board shall be the final agency authority.	Intent is to repeal this section in its entirety with no impact, as a new guidance document containing this information will be promulgated by the Department in early 2023.
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If a new VAC Chapter(s) is being promulgated and is not replacing an existing Chapter(s), use Table 2.

**Table 2: Promulgating New VAC Chapter(s) without Repeal and Replace**

New chapter-section number	New requirements	Other regulations and law that apply	Intent and likely impact of new requirements
N/A	N/A	N/A	N/A

If the regulatory change is replacing an **emergency regulation**, and the proposed regulation is identical to the emergency regulation, complete Table 1 and/or Table 2, as described above.

If the regulatory change is replacing an **emergency regulation**, but changes have been made since the emergency regulation became effective, also complete Table 3 to describe the changes made since the emergency regulation.

**Table 3: Changes to the Emergency Regulation**

Emergency chapter-section number	New chapter-section number, if applicable	Current <u>emergency</u> requirement	Change, intent, rationale, and likely impact of new or changed requirements since emergency stage
N/A	N/A	N/A	N/A