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Emergency Regulation and Notice of Intended Regulatory Action (NOIRA) 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	04-08-2004

This form is used when an agency wishes to promulgate an emergency regulation (to be effective for up to one year), as well as publish a Notice of Intended Regulatory Action (NOIRA) to begin the process of promulgating a permanent replacement regulation.

This information is required for executive review (www.townhall.state.va.us/dpbpages/apaintro.htm#execreview) and the Virginia Registrar of Regulations (legis.state.va.us/codecomm/register/regindex.htm), pursuant to the Virginia Administrative Process Act (www.townhall.state.va.us/dpbpages/dpb_apa.htm), Executive Orders 21 (2002) and 58 (1999) (www.governor.state.va.us/Press_Policy/Executive_Orders/EOHome.html), and the *Virginia Register Form, Style, and Procedure Manual* (http://legis.state.va.us/codecomm/register/download/styl8_95.rtf).

Preamble

The APA (Section 2.2-4011) states that an “emergency situation” is: (i) a situation involving an imminent threat to public health or safety; or (ii) a situation in which Virginia statutory law, the Virginia appropriation act, or federal law requires that a regulation shall be effective in 280 days or less from its enactment, or in which federal regulation requires a regulation to take effect no later than 280 days from its effective date.

- 1) *Please explain why this is an “emergency situation” as described above.*
- 2) *Summarize the key provisions of the new regulation or substantive changes to an existing regulation.*

When the Crime Commission reported on the study of school systems that employed security officers in 2001 (HD 31) there was an implicit concern expressed for public safety in its’ findings in the following areas: the difference in hiring standards for school security officers (SSOs); the different roles, responsibilities, and functions of SSOs that could compromise school safety; there were many untrained

SSOs which threatened to compromise the safety of schools and students; and a concern that in some of these situations the rights of children may be at risk thus creating an inherent liability risk for localities.

In the last decade Virginia recognized that the threat of violence in public schools demanded action and vigorously supported adding trained and certified School Resource Officers in schools. Safety planning, crisis response planning and training for school administrators and teachers were mandated and encouraged. However, the need for school security officer training and certification was only recently addressed.

The Attorney General has determined that the importance of providing trained and certified school security personnel to enhance the safety of schools throughout the Commonwealth meets the provisions of an "emergency situation" as described in §2.2-4011.A. (i). The absence of the required regulations on the deadline date of September 15, 2004 will otherwise prevent the mandated certification of school security officers.

Purpose

Please describe the subject matter and intent of the planned regulatory action. Also include a brief explanation of the need for and the goals of the new or amended regulation.

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.

Legal basis

1) Please confirm that the Office of the Attorney General has certified that the agency has the statutory authority to promulgate the emergency regulation and that it comports with applicable state and/or federal law.

2) Please indicate that the regulation is not otherwise exempt under the provisions of subdivision A.4 of Section 2.2-4006 of the APA.

- 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.

Substance

Please detail any changes that are proposed. Please outline new substantive provisions, all substantive changes to existing sections, or both where appropriate. Set forth the specific reasons why the regulation is essential to protect the health, safety, or welfare of Virginians. Delineate any potential issues that may need to be addressed as a permanent final regulation is developed.

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 safety officer and have a positive impact on the school safety climate at the local level.

For changes to existing regulations, use this chart:

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

This is a new regulation.

Alternatives

Please describe all viable alternatives to the proposed regulatory action that have been or will be considered to meet the essential purpose of the action.

Legislation in § 9.1-184 of the Code of Virginia requires the Virginia Center for School Safety (located within the Department of Criminal Justice Services) to provide training and certification for school security officers. In order to comply with this mandate, regulations are required. There are no alternatives to this regulatory action.

Family impact

Please assess the impact of the emergency 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.