

**Virginia Board of Education
Guidance and Model Policy for the Notification of Protective Orders in Public
Elementary and Secondary Schools**

XX 2020
Guidelines Developed in Response to
House Bill No. 1997

Approved by the Board of Education
(X 2020)

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Introduction

The **Guidance and Model Policy for the Notification of Protective Orders in Public Elementary and Secondary Schools** document was developed in response to House Bill 1997 enacted by the 2019 Virginia General Assembly:

“1. That the Code of Virginia is amended by adding a section numbered [22.1-279.3:2](#) as follows:

§ [22.1-279.3:2](#). Public elementary and secondary school students; protective orders; notification.

Any school principal who receives notice that a circuit court, general district court, juvenile and domestic relations district court, or magistrate has issued a protective order pursuant to § [16.1-253](#), [16.1-253.1](#), [16.1-253.4](#), or [16.1-279.1](#), subsection D of § [18.2-60.3](#), or Chapter 9.1 (§ [19.2-152.7:1](#) et seq.) of Title 19.2 for the protection of any child who is enrolled at a public elementary or secondary school in the Commonwealth where such principal is employed, or any other order prohibiting contact with such a child, including an order issued as a condition of pretrial or posttrial supervision, shall subsequently notify licensed instructional personnel and other school personnel who (i) provide direct educational or support services to the protected child or the child subject to the order, (ii) have a legitimate educational interest in such information, and (iii) are responsible for the direct supervision of the protected child or the child subject to the order that such order has been issued.

2. That the Board of Education shall establish guidelines and develop model policies to aid local school boards in the implementation of § [22.1-279.3:2](#) of the Code of Virginia, as created by this act.”

In March 2020, an advisory committee was formed to review resources and local policies throughout the nation pertaining to protective orders for children in public schools. The committee included school-based personnel representing diverse Superintendent regions, community agencies, the Virginia Department of Criminal Justice Services, a parent representative, and specialists from the Virginia Department of Education (VDOE). This guidance and model policy’s development is a result of consultation and collaboration with multiple stakeholders throughout the state with a variety of backgrounds and expertise.

Background

To learn and develop, children need to feel safe and be safe at school. Court orders can provide critical protection for children experiencing domestic violence or relationship violence.

Definitions

This document uses the following definitions:

Petitioner – the person filing for a protective order to prohibit further acts of abuse. In cases of family abuse, the petition may include family or household members, including children, to be

protected. Usually the petitioner is the parent or legal guardian, but the petitioner may also be the protected student under some circumstances.

Protected student – a student whose health and safety is being protected by a court order. A protective order or another order will contain provisions prohibiting certain conduct with a protected student. The protected student is not necessarily the petitioner but is included in the protection order.

Respondent – the individual that the protective order is filed against. Note that protective orders involve civil law, and the respondent has not necessarily been criminally charged or convicted. For other orders, the respondent is the person whose conditions of pretrial or posttrial supervision or release require no contact with a protected student. The respondent may be a family member or non-family member, including another student.

Types of Protective Orders

In Virginia, a protective order is a legal order issued by a magistrate or judge to protect the health and safety of a person who is alleged to be a victim of any acts of violence, force, or threat that results in injury or places that person in fear of death, sexual assault, or injury. Juveniles may be the subject of a protective order under two circumstances. In petitioning for a protective order, a parent can include members of the household such as their children to be protected against family abuse by a family member. Juveniles can also be the subject of a general protective order where the respondent is not a family member and could be another juvenile.

There are three types of protective orders:

- An Emergency Protective Order (EPO) expires at the end of the third day following issuance or the next day court is in session, whichever is later.
- A Preliminary Protective Order (PPO) lasts 15 days or until a full hearing.
- A Protective Order (PO) may last up to two years.

Additional considerations regarding protective orders include:

- Besides protective orders, other court orders may also include “no contact” orders as a condition of pretrial or posttrial supervision, or a judicial officer may impose contact limits as a condition of release. For purposes of this document, the term protective order will also include these other “no contact” orders.
- Although standard provisions in a PO typically include prohibiting direct or indirect contact and prohibiting abuse, a judge or magistrate can outline more specific provisions in the PO.
- Protective orders involve civil law and do not go into effect until the respondent has been served and receives a copy of the order. However, if the respondent violates the protective order, he/she may be arrested under criminal law.
- Full protective orders may be extended beyond the initial two-year period, or PPOs can be extended to bridge the gap to a hearing for a full protective order if the hearing is continued.

In accordance with legislation and to meet the goal of providing a safe school environment, this document presents important guidelines for policies and practices to support students who have

protective orders issued for their benefit. A model local policy is provided in [Appendix C](#) and a sample guide for parents is provided in [Appendix D](#).

Receipt of Court Order

When the principal or principal designee receives a copy of a protective order naming a student as a protected person, the principal should document the receipt of the court order. Generally, a parent or guardian will be in possession of a copy of the court order and will likely be the person notifying the principal of the court order. Other agents who may be knowledgeable of protective orders, such as Court Services Officer or School Resource Officers, may also notify the principal. Regardless of how the school receives notice of a protective order, the principal should obtain and document information regarding the court order that has not expired and include the following in the student's educational records:

- Date of receipt of court/protective order;
- Expiration date of court/protective order;
- Name of person providing copy of court/protective order;
- Name of protected student;
- Name of respondent; and
- Copy of court order or protective order.

Other information may also be included such as:

- Special arrangements or restrictions relating to contact with student;
- Other siblings also impacted by the protective order; and
- Photograph of respondent, if received.

By including the information in the student's educational (scholastic) records, the principal may ensure that notation about the court order is entered into the relevant electronic student information system and that the order is forwarded if the student transfers to a new school. Additionally, school divisions may wish to develop a process to centralize the receipt of protective orders. In addition to providing continuity if the student transfers, such a system can also facilitate the notification to multiple schools should the protective order identify siblings under protection who attend different schools within the division. For school divisions who wish to document the receipt of a court/protective order, a sample form documenting the receipt of a court/protective order is provided in [Appendix A](#).

Notification to Staff

Front office staff, school counselors, and other relevant staff members shall immediately notify administration should they receive a copy of a protective order for a student. When the principal receives a copy of a protective order that has not expired, the principal shall take immediate and reasonable measures to notify essential personnel of the information. Personnel who need to be informed of the protective order include those who provide direct educational or support services to the protected child, have a legitimate educational interest in such information, and are responsible for the direct supervision of the protected child. Examples of personnel who may need to be informed include teachers, administrators, specialized instructional support personnel

(school counselor, psychologist, social worker, and nurse), bus drivers, office staff, school security or school resource officers (SROs), staff responsible for duties such as parent pick-up, or any other personnel who may be responsible for the student, have access to information regarding the student, or may have contact with the respondent. Given the time-sensitive nature of the information, the principal shall implement a process to rapidly summarize the protective order to include relevant information in an easy to understand format (e.g., what conducts are prohibited, date the order expires, name of respondent) and communicate that information to the essential staff as soon as possible. If there are any questions relating to the expiration of a protective order and whether it is in effect, local school divisions should contact their school board attorney for guidance. Whenever a parent notifies the principal of a modification, extension, or dissolution of a protective order, the principal shall notify relevant personnel of the changes. This may include parents rescinding the notification of a protective order without court documentation. A sample form to notify essential staff of the protective order is provided in [Appendix B](#).

Support Plan

Although schools are not legally responsible for enforcing a court order, school boards are committed to the safety of students. A protective order may bring to light the safety needs of a student, and local policies may include additional guidance on how to support students protected through a court order. Depending on how much time remains until the expiration date of the protective order, schools may have the opportunity to develop a plan to support the safety and well-being of the student in addition to notifying essential staff of the protective order. Upon the timely receipt or notification that a student has a protective order, the principal should offer to collaborate with the parent or legal guardian when there is a need to develop a plan to support the student. A team may be designated to support the student relating to safety planning, which may include how to respond to violations of the court order. The development of such a plan should not delay the initial notification of the provisions of the protective order to appropriate staff; rather, the details of a more comprehensive support plan can be communicated after careful consideration of how to meet the safety needs of the student. Since schools are not responsible for the enforcement of nor serving the protective order, if there are any concerns regarding the enforcement of the protective order or whether it has been served, the principal should contact their local law enforcement agency or SRO.

The following are elements that may be included in a support plan to meet the safety needs of the student.

- Does the parent or legal guardian wish to change directory information and other emergency information or limit access to the directory information? The Virginia Attorney General's office also provides a service, the Address Confidentiality Program (ACP), that allows victims of domestic violence, stalking, sexual violence, or human trafficking to keep their new location unknown to the abuser, and an ACP post office number is a substitute address.
- What actions should the student or school personnel take when the respondent violates the protective order? In situations where the respondent has not been served with the protective order, the plan may need to include requesting the parent to contact law enforcement who could serve the protective order.

- What is the process and how do students and school personnel report to either the parent or law enforcement a violation of the protective order?
- What accommodations such as changes to travel routines, class schedules, and school enrollment may be needed to ensure the protection of the student?
- What can school personnel do to promote emotional and physical safety in the school setting for the student?
- Is there a need for any referrals to community-based services and supports?

Effective July 1, 2016, the Virginia General Assembly enacted updates to the *Code of Virginia* regarding threat assessment teams in public schools, changing the function of school threat assessment teams from assessing and intervening with **students** to assessing and intervening with **individuals** whose behavior may pose a threat to the safety of the school. The change reflects the understanding that not only students, but a range of other individuals, including parents or guardians of students, may pose a threat of harm to a school. As such, the principal may incorporate threat assessment procedures into the support plan for a protected student when appropriate.

In instances where the protected student and the respondent attend the same school, the principal or designated team may consider additional steps in the student's support plan to minimize contact between the students. The support plan may include the following considerations:

- Routine, schedule, or enrollment changes for either or both students; and/or
- Expectations and planned responses for incidental contact.

Additionally, whenever schools learn that a protective order is the result of suspected or confirmed student-to-student harassment, schools and school officials should take appropriate action to investigate whether there has been any violation of school harassment policies and take appropriate disciplinary action.

If there are any questions relating to the provisions of a protective order or how to support a student when the respondent attends the same school, local school divisions should contact their school board attorney for guidance.

Additional Considerations

Confidentiality

Information contained in a protective order is confidential and should only be shared with essential personnel. Staff should only discuss or share information regarding protective orders with those that have a legitimate educational interest to know. Additionally, staff should be aware that in some situations, a parent or guardian may have intentionally not shared details regarding the protective order with the student. In those situations, staff members should not discuss the protective order with the student.

The Family Educational Rights and Privacy Act (FERPA)

The *Family Educational Rights and Privacy Act (FERPA)* (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records and gives parents certain

rights with respect to their children's records. In situations where the respondent is a parent or guardian and the school determines that there is an articulable and significant threat to the health or safety of a student or school personnel, the school may withhold sharing student records with the respondent. Local school divisions should contact their school board attorney for guidance if there are any questions relating to the provisions of the protective order and a parent's rights to access educational records or participate in educational decisions.

Training

School divisions may provide training to school personnel relating to domestic violence and intimate partner violence and general knowledge regarding family abuse protective orders and protective orders covering other non-family abuse circumstances. This type of training may also be incorporated into other professional development topics such as school security and safety.

Collaborations

Local school divisions may wish to develop relationships and agreements with other local agencies for more comprehensive procedures for enforcing protective orders. For example, agreements between the local school division and local law enforcement agency may enhance timely communication regarding when protective orders are issued or served. Other agencies working with the parent may also help to facilitate parents sharing information on protective orders with the school. Other collaborations such as those with Local Department of Social Services or Local Department of Human Services, Local Community Services Boards (CSB), Local Trauma-Informed Care Networks, Court Services Units, or the Virginia Sexual & Domestic Violence Action Alliance may provide best practices for how to support students and families with trauma-informed interventions and services.

Appendix A: Sample Form for Receipt of Court Order

The purpose of this form is to notify *[School Division]* personnel of a protective order against a non-custodial parent or other individual.

I, *{first and last name}*, the parent/legal guardian of *{first and last name}*, am presenting the attached Protective Order as documentation that *{first and last name}*, is legally prohibited from contact with the above-named student.

By signing this form, I agree that:

1. I am making this request based on a court order issued by a judge or magistrate. A copy of this order is attached.
2. This request will be shared with the named individual in the protective order if he or she attempts contact with the student and requests documentation regarding why such contact will not be allowed.
3. I will provide the school with any modifications, terminations, or extensions of the protective order.
4. The provisions contained in this protective order will be shared with teachers and other personnel only to the extent that these individuals may need to assist in the enforcement of the protective order. This includes personnel at other schools in the division for siblings also protected under this protective order.

Sibling's Names	Sibling's School
Click or tap here to enter text.	Click or tap here to enter text.
Click or tap here to enter text.	Click or tap here to enter text.
Click or tap here to enter text.	Click or tap here to enter text.

I understand that although *[School Division]* will make every effort to comply with this protective order, *[School Division]* cannot be held liable in the event the named individual violates the attached protective order. Furthermore, I will provide a new copy of the protective order in the event that it is modified or extended or notify the school if it is dissolved.

Role	Signature	Date
Parent/Legal Guardian	Click or tap here to enter text.	Click or tap to enter a date.
Received by	Click or tap here to enter text.	Click or tap to enter a date.

Appendix B: Sample Form for Staff Notification

The purpose of this form is to notify *[School Division]* personnel of a protective order (PO) against an individual. This confidential information is to be shared only with staff who provide educational or support services to the protected child, have a legitimate educational interest in such information, and are responsible for the direct supervision of the protected child. A designated team may also meet with the parent or legal guardian and, if appropriate, the student, to develop a support plan and potential responses if the respondent violates the protective order. If a support plan and responses to violations of the protective order is developed, this information should also be shared with school personnel, although it may be communicated separately so as not to delay the initial notification of the protective order.

Name of protected child (<i>child subject to the order</i>): Click or tap here to enter text.
Name of respondent (<i>individual who the PO is against</i>): Click or tap here to enter text.
Date of School Notification: Click or tap to enter a date.
Date of PO Expiration: Click or tap to enter a date.
Provisions of PO (check all that apply): No Contact <input type="checkbox"/> No release of directory information <input type="checkbox"/> Other <input type="checkbox"/>

Name of Personnel to be Notified	Date Notified
Teachers (<i>that directly supervise the protected child</i>):	Click or tap to enter a date.
Relevant Student Support Staff (<i>such as: school counselor, school psychologist, school social worker, and/or nurse</i>):	Click or tap to enter a date.
Administrators:	Click or tap to enter a date.
Front Office Staff:	Click or tap to enter a date.
Transportation Staff (<i>such as: bus driver, parent pick-up monitor, or crossing guard</i>):	Click or tap to enter a date.
Security Officers/School Resource Officers:	Click or tap to enter a date.
School Nurse and/or Health Aide:	Click or tap to enter a date.
Other:	Click or tap to enter a date.

Support Plan (check all that apply):

- Limit discussion with student (student is not aware of PO)
- Review safety plan with student
- Use alternate directory information
- Do not release directory information
- Provide support with school counselor, psychologist, or social worker
- Provide additional support

Response to Violation of PO:

- Call 911
- Call non-emergency police number (###-###-####)
- Inform Administrator [*name*]
- Inform parent/guardian of violation of PO (###-###-####)
- Other

Appendix C: Model Local Policy

The following model policies were developed by the Virginia Board of Education to aid local school boards in the implementation of §22.1-279.3:2. These policies are not intended to be prescriptive in nature but rather suggestions for inclusion. Local school boards should also consider previously established procedures, local resources, and other cultural factors unique to their communities when developing a local policy for school response to protective orders.

Purpose

To meet legal obligations for the *Code of Virginia* §22.1-279.3:2 and provide guidelines for school-based administrators, teachers, and other school personnel for notification of protective orders for a student.

Philosophy

The *[Division Name]* School Board is committed to ensure a safe and secure environment for all students, staff, and visitors.

Definitions

The *[Division Name]* School Board uses the following definitions.

Protective order – any legal order issued by a circuit court, general district court, juvenile and domestic relations district court, or magistrate pursuant to § [16.1-253](#), [16.1-253.1](#), § [16.1-253.4](#), or § [16.1-279.1](#), subsection D of § [18.2-60.3](#), or Chapter 9.1 (§ [19.2-152.7:1](#) et seq.) of Title 19.2 for the protection of the health and safety of any child, or any other order prohibiting contact with such a child, including an order issued as a condition of pretrial or posttrial supervision.

Directory information – information contained in a student’s education record that would not generally be considered harmful or an invasion of privacy if disclosed. Directory information may include information such as the student’s address, telephone listing, electronic mail address, photograph, enrollment status, and participation in officially recognized activities and sports.

Petitioner – the person filing for a protective order to prohibit further acts of abuse. In cases of family abuse, the petition may include family or household members, including children, to be protected. Usually the petitioner is the parent or legal guardian, but the petitioner may also be the protected student under some circumstances.

Protected student – a student whose health and safety is being protected by a court order. A protective order or another order will contain provisions prohibiting certain conducts with a protected student. The protected student is not necessarily the petitioner but is included in the protection order.

Respondent – the individual that the protective order is filed against. A protective order will contain provisions prohibiting the respondent from certain conducts against a protected student. For other orders, the respondent is the person whose conditions of pretrial or posttrial supervision or release require no contact with a protected student. The respondent may be a family member or non-family member, including another student.

Scope

Any school principal or designee who receives notice of a protective order for the protection of any child who is enrolled at the school or any other order prohibiting contact with such a child shall immediately notify essential personnel of the protective order. The principal shall take all reasonable measures to comply with that protective order and to ensure the safety of student(s) who are named in the order, while they are in school, including:

1. Retaining a copy of the protective order in the student's educational records and making a notation about the order on the student's records.
 - a. At parent or legal guardian request, updating student's directory information to include new contact information.
 - b. Informing staff that if the respondent named in the protective order is a parent or legal guardian of a protected student and there is an articulable and significant threat to the health and safety of a student or school personnel, no school employee shall release any information about the child to the respondent, unless the protective order or any subsequent modified order specifically allows access to the information contained in the student record.
2. Notifying essential school personnel with summary information about the protective order.
 - a. If the protective order names other protected students who attend other schools in the division, the principal should notify the principal of the other schools of the protective order.
 - b. Essential personnel are licensed instructional personnel or other school personnel who provide direct educational or support services to the protected student, have a legitimate educational interest in such information, and are responsible for the direct supervision of the protected student. Such personnel may include, but not limited to, classroom teacher(s), assistant principal, security personnel, school counselor, psychologist, social worker, school health aide or nurse, bus driver, coaches, etc.
3. Collaborating with parent or legal guardian to develop a support plan for the protected student, which may include elements such as:
 - a. Access to specialized instructional support personnel for counseling;
 - b. Referrals to community-based services and resources;
 - c. Changes to routines, schedule, or enrollment;
 - d. Responses to violations of the court order; and
 - e. Reporting of violations of the court order.

Appendix D: Sample Parent Guide for Notification of Protective Orders

The *[Division Name]* School Board is committed to providing a positive learning environment for all students. Ensuring the safety and well-being of students, staff, and visitors is a primary concern for *[Division Name]*. For a student who has been subject to violence, force, or threat of violence, a court or magistrate may grant a legal order to protect the health and safety of the student.

Parents and legal guardians should notify the school when a protective order prohibits a person from contact with the student, access to the student, or other conducts with the student at school. By informing the school, the parent or legal guardian can expect the school to:

- Notify essential school staff of the protective order;
- Act as necessary to ensure the safety of the student, including contacting law enforcement, conducting threat assessments, or conducting investigations into harassment complaints;
- Adhere to the provisions of the protective order such as prohibiting the release of certain information or refusing to release a student; and
- Develop a support plan for the student in collaboration with the parent or legal guardian and, if appropriate, with the student.

Parents or legal guardians have the rights to:

- Expect confidentiality and that information regarding the protective order will only be shared with essential school personnel;
- Request a copy of the notification of the protective order to school personnel; and
- Request a meeting with school staff to develop a support plan for the student and request a copy of the plan.

For additional information, refer to *[Division Policy and Regulation]* or contact *[School Staff]* for resources relating to student health and safety.

Resources

[Chicago Public Schools Policy Manual: Domestic Violence, Dating Violence and Court Orders of Protection, Restraint, or No Contact](#)

[Protective Orders in Virginia -- A Guide for Victims](#)

[Trauma-Informed Care -- Best Practices and Protocols for Ohio's Domestic Violence Programs](#)

[Virginia Sexual and Domestic Violence Action Alliance Website](#)

[Virginia School-Law Enforcement Partnership Guide](#)

[What Schools Can Do to Deal with Restraining Orders -- A Checklist for School Officials](#)

[What You Need to Know About Protective Orders](#)

Publication Information

Questions or inquiries about this document should be directed to:

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