

2020 Legal Updates for Virginia School Security Officers

DCJS Virginia Center for School and Campus Safety



Welcome

Instructor: Kim Simon

SRO/SSO Training and Program Coordinator

Session Information:

One hour

PIC forms

Evaluation



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Agenda



Next steps

Refresher on FERPA

Discussion on SSO roles and trends

Highlight of school safety related legislative updates

Refresher on the importance of Due Process

Review of regulatory requirements for certification and recertification

SSO Training and Re-Certification Requirements Review

§ 9.1-101. Definitions

Section of the Code which defines School Security Officer

§ 22.1-280.2:1. Employment of school security officers

Section of the Code which sets forth employment requirements

Chapter 240. Regulations Relating to School Security Officers

Virginia Administrative Code (Regulations)

- Sets forth the process for both initial certification and **renewal** certification
- Establishes SSO standards of conduct



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Why YOU Matter!



SCHOOL SECURITY OFFICER

Responsible solely for ensuring:

Safety

Security, and

Welfare

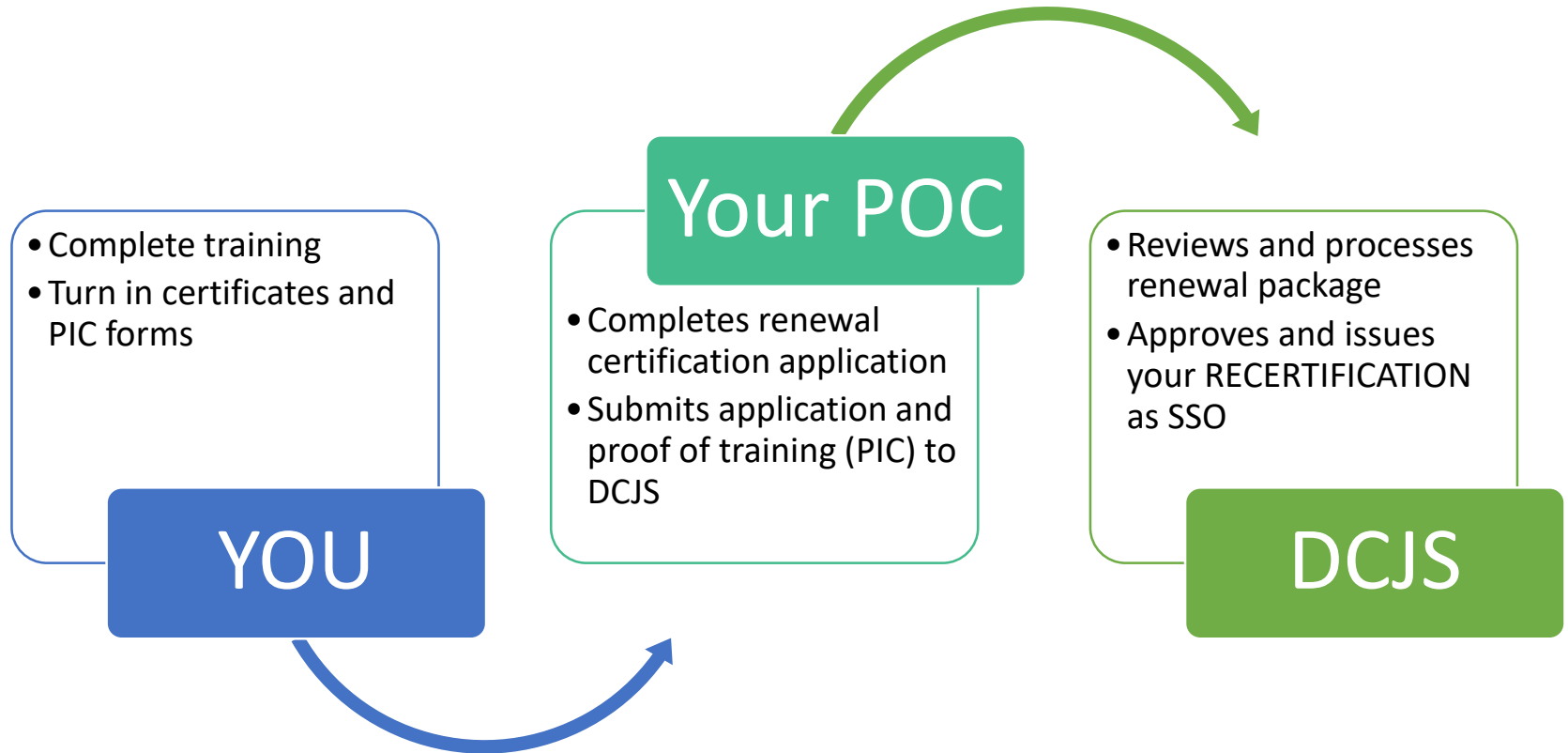
of **all** students, faculty, staff, and visitors in the assigned school



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How to Maintain Your Certification



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Administrative Requirements

Maintain valid mailing address – report changes within 10 days

Inform school division in writing of any arrest within 72 hours

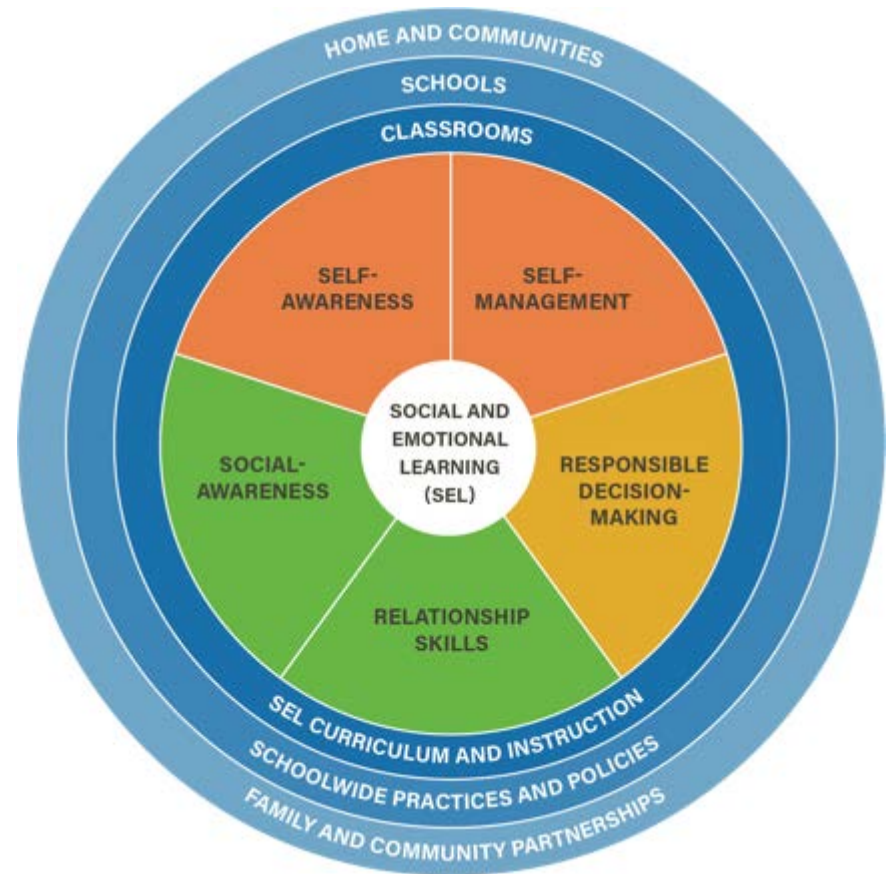
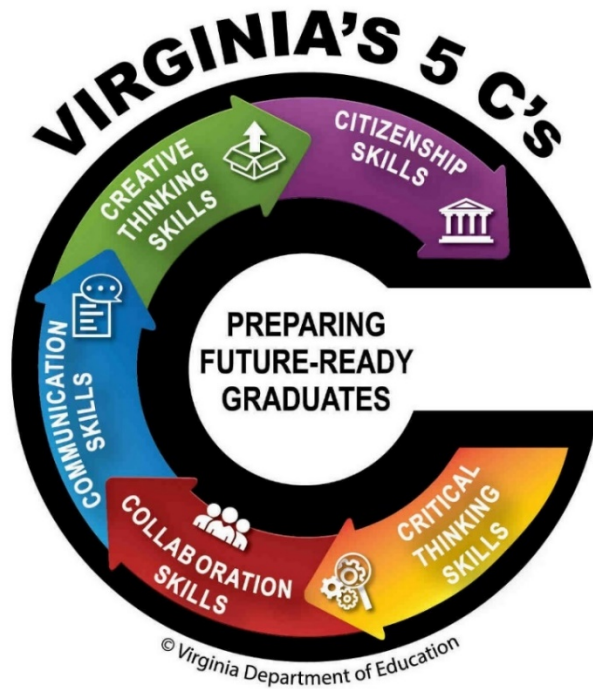
Inform school division in writing within 10 days after finding of guilt



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Know Your Role = Know Your Goal



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IN LOCO PARENTIS

- SSOs and other school officials must act lawfully. But the basis for their action is as school officials, ***not law enforcement officers***. This means:
- SSOs and other school officials actually have significant authority to act as long as their actions are “reasonable.” This is a lower standard than that governing law enforcement action
- Because school officials are taking on the responsibility of parents [acting *in loco parentis*] for the time that the students are in school
- This ***gives school officials discretion that law enforcement do not have***, in incident response and implementing proactive measures to prevent misconduct from occurring
- The standard determining what response or preventive measures are taken is, ***“Is it ‘reasonable’ in order to maintain a safe and secure school environment and ensure the welfare of the school community?”***



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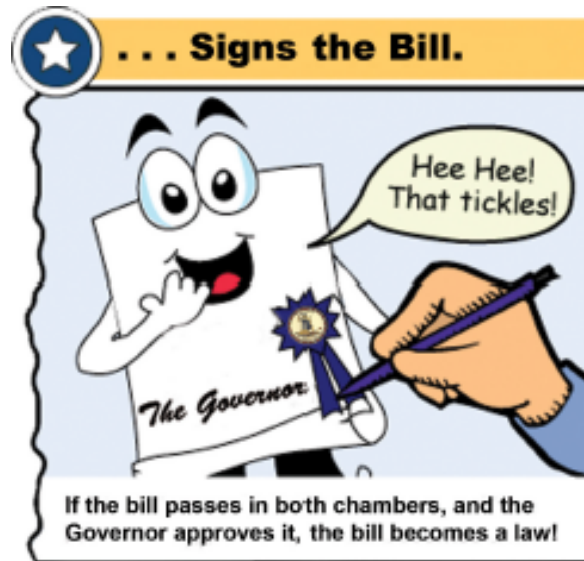
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Know Your Policies

- *Only local school boards have authority to establish student conduct policies and procedures and they have final administrative authority for all disciplinary matters*
- State laws set basic requirements for *having* policies and operational procedures and guidelines
- But it is local school boards that *determine what the specific policies, procedures, and guidelines say*
- Due processes
 - Students must be told of the offense of which they are accused
 - They must have an opportunity to tell their side of the story for even minor offenses
- SSOs need to have a clear understanding of their school division's student conduct policies and procedures – *if you have not yet seen it, this is a priority for you!*

Legislative Updates Impacting SSOs

- **Lock Down Drills** – 24-hour advance parental notification required
- **Disorderly Conduct** – not applicable to elementary and secondary students
- **Mental Health Awareness Training** – required for teachers and relevant full-time personnel



- **Firearms on School Property** – no school board may authorize beyond allowed in statute
- **Training Required** – More specific topics required
- **ALWAYS** check with your supervisor or school administrator, and review the School Board Policies



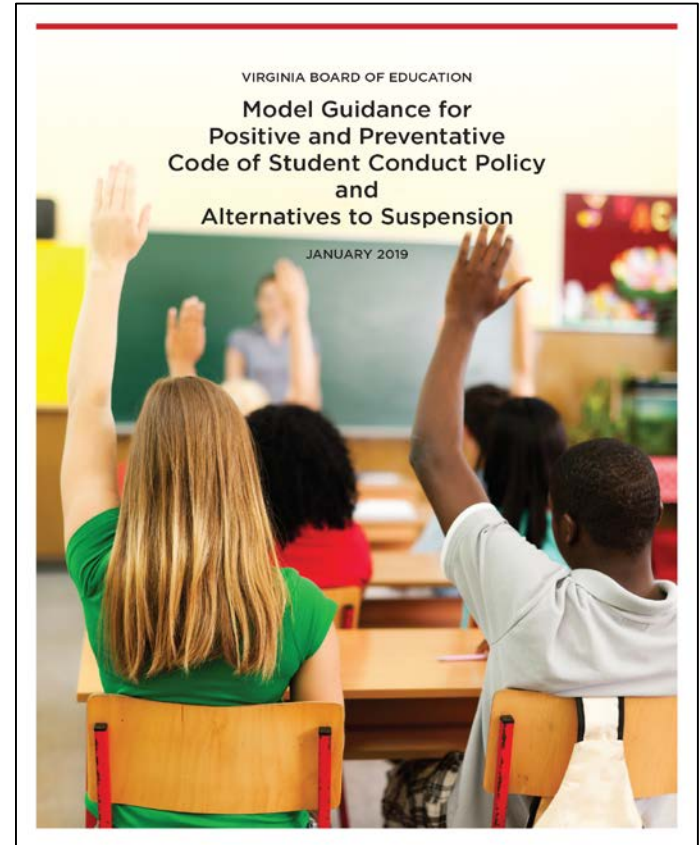
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The Virginia SSO – Roles and Trends

- NEW Model Guidance from Virginia Department of Education

www.doe.virginia.gov/support/student_conduct/2019-student-code-of-conduct.pdf



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FERPA and the SSO

	Who must comply?	Protected information	Permitted disclosures ¹
<p>FERPA</p> <p>The Family Educational Rights and Privacy Act (FERPA) is a federal law enacted in 1974 that protects the privacy of student education records.</p> <p>The Act serves two primary purposes:</p> <ol style="list-style-type: none"> 1. Gives parents or eligible students more control of their educational records 2. Prohibits educational institutions from disclosing "personally identifiable information in education records" without written consent 	 <ul style="list-style-type: none"> • Any public or private school: <ul style="list-style-type: none"> – Elementary – Secondary – Post-secondary • Any state or local education agency <p>Any of the above must receive funds under an applicable program of the US Department of Education</p>	 <p>Student Education Record: Records that contain information directly related to a student and which are maintained by an educational agency or institution or by a party acting for the agency or institution</p>	 <ul style="list-style-type: none"> • School officials • Schools to which a student is transferring • Specified officials for audit or evaluation purposes • Appropriate parties in connection with financial aid to a student • Organizations conducting certain studies for or on behalf of the school • Accrediting organizations • Appropriate officials in cases of health and safety emergencies • State and local authorities, within a juvenile justice system, pursuant to specific state law • To comply with a judicial order or lawfully issued subpoena



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FERPA and the SSO

- Under FERPA, investigative reports and other records created and maintained by an LEU ***are not considered subject to FERPA***
- Because they are not considered to be ‘education records’
- These investigative reports and other records ***can be disclosed to anyone***, including outside law enforcement authorities, ***without parental consent***
- School policy and information provided to parents ***must specify who serves as the school’s LEU***
- **Education Record Disclosure exceptions under FERPA:**
- In an emergency, school officials are permitted to disclose education records without consent to protect the health or safety of students or other individuals
- In these cases, this information may be disclosed to appropriate parties such as law enforcement, public health officials, and trained medical personnel



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Recap

- SSOs hold a special role in the lives of children – watching out for them and providing a safe and secure environment in which they have the opportunity to get a quality education
- SSOs are school officials who enforce Code of Conduct violations rather than criminal laws
- SSOs are held to a high standard including the requirement to complete ongoing professional development
- FERPA is not a barrier to communication in matters of health and safety but must be understood by SSOs who have access to students' identifying information
- Model Policies have been updated to focus on implementing discipline that reduces or finds alternatives to suspension and expulsion



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To Learn More

We have many resources on our SSO Certification Program webpage here:

www.dcjs.virginia.gov/virginia-center-school-and-campus-safety/k-12/safety-security/school-security-officer-ssocertification-program

WE will send the legislative summary to you via email with your survey

VDOE has an abundance of resources for you, too!



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How to Receive PIC Credit

- Look for your email with a link to this recording and a brief survey
- You will be provided a PIC form by email
 - ✓ Make a copy for your POC and retain one for yourself
 - ✓ Your POC or supervisor will be responsible for sending a copy with your renewal certification application when it is due

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For more information, please visit our website:

For general SSO program questions, please contact us at:

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QUESTION TIME

