

Avoiding Pitfalls on the Road to Enhanced School Safety: A Legislation Overview

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DCJS

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Virginia Code §9.1-184:

- **The Virginia Center for School and Campus Safety (VCSCS) is mandated to:**
 - Provide training for stakeholders
 - Develop, review, and disseminate resources and legislation
 - Collect and analyze data
 - Provide technical assistance
 - Develop partnerships to promote safety to schools and campuses in Virginia

Virginia Code §9.1-184:

- **VCSCS is legislatively responsible for:**
 - School Safety Audit Program
 - School Security Officer Program
 - School Resource Officer Program
 - K-12 Threat Assessment Team Program
 - Suicide Prevention and Mental Health Support for Schools
 - K-12 Crisis Management Program
 - Training for all school personnel
 - Resource and referral center providing technical assistance for Virginia school divisions
 - Data Collection

School Resource Officer

What is a Virginia SRO?

§ 9.1-101 defines a School Resource Officer as:

- A certified law-enforcement officer
- Hired by local law-enforcement agency
- Provides law-enforcement and security services to public elementary and secondary schools
- With the 2020 GA session, there is now a separate certification for SROs.

School Resource Officer Certification

§ 9.1-102

- 54. Establish compulsory minimum training standards for certification and recertification of law enforcement officers serving as school resource officers.”

What is the current status of the SRO certification process?

- An advisory group has been assembled and will review proposed training standards.
- The proposed training standards will be presented to the CJSB in October to seek approval to develop regulations through the APA Process.

What are the current requirements?

- Certified law enforcement officer as defined in 9.1-101

What will be proposed?

- 2 years of certified law enforcement experience.
- Recertification every 2 years.
- Minimum age requirement of 21.

Memorandum of Understanding (MOU)

Code of Virginia § 22.1-280.2:3

- If the law enforcement agency employs SROs there must be an MOU between the local law enforcement agency and the school division.
- Based on the MOU developed by the VCSCS, but can be modified based on each parties' needs.
- Must be reviewed and amended or affirmed at least once every two years, or at the request of either party.
- The school board is responsible for ensuring it is conspicuously posted on the division website and provides notice for public input during each review period.
- **What if an agency does not employ SROs?**
- The chief law enforcement officer is required to designate a law enforcement officer to receive, either in-person or online, school safety training.
- That officer/deputy will serve as the liaison for the school administrator.

School Security Officers (SSO)

Code of Virginia § 9.1-101

- “means an individual who is employed by the local school board or a private or religious school for the singular purpose of maintaining order and discipline, preventing crime, investigating violations of the policies of the school board or the private or religious school, and detaining students violating the law or the policies of the school board or the private or religious school on school property, school buses, 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.”

Highlights

- Civilian employees operating under civil law that are either employees of the school division or civilian employees of a private security company that is contracted with the school division to provide services as defined as an SSO. Private security are still required to be certified as SSOs through DCJS and the school division is responsible for ensuring they meet all requirements.
- Must adhere to VDOE Restraint and Seclusion Guidelines (no mechanical restraints, OC/pepper spray, asps) to include the use of any restraint methods.
- Currently, the agency will be seeking approval from administration to update the regulations through the APA process at the October CJSB meeting.

Armed School Security Officers (SSO)

What about carrying a firearm?

- Must comply with § 22.1-280.2:1.
- Retired or resigned certified law enforcement officer, in good standing, within 10 years of being hired by the local school board or private school.
- Provides proof of completion of training in active shooter emergency response, emergency evacuation procedures, and threat assessment.
- Input is solicited from the chief law enforcement of the locality regarding qualifications and there are no prohibitions to possessing a firearm.

Highlights

- They must be civilians since they are operating under civil law.
- Still required to be certified SSOs.
- Still required to operate within any applicable VDOE requirements.

Relative Grants for School Safety Personnel

SRO/SSO Incentive Grant Program

- Funding for localities to place either an SRO or SSO in elementary and secondary schools where none currently exist.
- Priority will be given to those elementary or secondary schools that do not currently have an SRO or SSO position. Need will be assessed based on the grant application.
- Local match will be based on the Composite Index of Local Ability to Pay as determined by the Virginia Department of Education.
- SROs must have 2 years of certified law enforcement experience and be 21.
- SROs must obtain SRO Basic within 60 days of their first day of assignment to a school.

School Safety Personnel and Programming Grant

- The goal of this funding opportunity is to promote the safety of students and school staff through the use and implementation of positions and programming to prevent crime and violence.

Behavioral Threat Assessment

Code of Virginia § 22.1-79.4

- School boards shall adopt policies for the establishment of threat assessment teams for the assessment and the intervention of “individuals whose behavior may pose a threat to the safety of school staff or students.”
- Consistent with the model policies developed by the VCSCS.
- Oversight committees at the divisions may be established. Requires individuals with expertise in human resources, education, school administration, mental health, and law enforcement if the team is established.
- School threat assessment teams must include expertise in counseling, school administration, instruction and law enforcement (must be the SRO if applicable).
- “Each team shall (i) provide guidance to students, faculty, and staff regarding recognition of threatening or aberrant behavior that may represent a threat to the community, school, or self; (ii) identify members of the school community to whom threatening behavior should be reported; and (iii) implement policies adopted by the local school board pursuant to subsection A.”

Behavioral Threat Assessment

Training Requirements

- Initial threat assessment training by new threat assessment team members.
- Refresher threat assessment every three years.

Additional Information

- Teams are required to report quantitative data to the VCSCS (currently done through the Annual Safety Survey. A tool has been provided as a resource to schools to track all relevant data throughout the school year to assist with completing the survey.
- A case management tool is currently in the development process, per Code.
- If “a student poses a threat of violence or physical harm to self or others” the team “shall immediately report its determination to the division superintendent or his designee. The division superintendent or his designee shall immediately attempt to notify the student's parent or legal guardian. Nothing in this subsection shall preclude school division personnel from acting immediately to address an imminent threat.”
- Criminal history information and health records can be provided to the threat assessment team “upon a preliminary determination by the threat assessment team that an individual poses a threat of violence to self or others or exhibits significantly disruptive behavior or need for assistance.”

Crisis Management and Emergency Plans

- [§ 22.1-279.8](#)
 - Requirement of plans that contain specific elements
 - Requirement for certain first responders, agencies, and groups to be included in development and annual review
 - Crisis Plan Certification by August 31 required each year
 - Requirement that *“the plan shall include a provision that the Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund shall be contacted immediately to deploy assistance in the event of an emergency as defined in the emergency response plan when there are victims as defined in § 19.2-11.01”*
- [§ 2.2-3705.2](#)
 - Allowance that the “Local school board shall retain authority to withhold or limit the release of any security plans, walk-through checklists, floor plans, and specific vulnerability assessment components”

Fire Drills and Lockdown Drills

Fire Drills

To comply with the Code of Virginia, the SOA, and the SFPC every public school should conduct:

- One fire drill in the first 10 school days,
- A second fire drill at anytime within the first 20 school days, and
- One fire drill every month thereafter for the remainder of the school term.

Lockdown Drills

To comply with the Code of Virginia and the SOA, every public school should conduct:

- At least 2 lock-down drills during the first 20 days of school (Refer to section B of 22.1-137.2 regarding Pre-K and Kindergarten), and
- Conduct at least two additional lock-down drills after the first 60 days of school.
- Provide the parents of enrolled students with at least 24 hours' notice before the school conducts any lock-down drill, nothing in this section shall be construed to require such notice to include the exact date and time of the lock-down drill.

Other Relevant Legislation

Code of Virginia § 18.2-415: Disorderly Conduct

- “The provisions of this section shall not apply to any elementary or secondary school student if the disorderly conduct occurred on the property of any elementary or secondary school, on a school bus as defined in § 46.2- 100, or at any activity conducted or sponsored by any elementary or secondary school.”

Code of Virginia § 22.1-279.8: School Administration School Safety Training

- At least one school administrator must complete, either in-person or online, school safety training for public school personnel conducted by the VCSCS (E)

Virginia Center for School and Campus Safety

Thank you!

www.dcjs.virginia.gov/virginia-center-school-and-campus-safety

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