

SCHOOL RESOURCE OFFICERS AND VIRGINIA LAW

- **What is a School Resource Officer (SRO)?**

In the Virginia code, a School Resource Officer is defined as “certified law-enforcement officer hired by a local law enforcement agency to provide law-enforcement and security services to Virginia public elementary and secondary schools.” **Va. Code §9.1-101.**

In plain language, a School Resource Officer is a certified police officer, employed by a local police department, who is stationed in public K-12 schools in Virginia via an agreement/contract between local school boards and local police that is known as a Memorandum of Understanding (MOU).

They are employees of, and are supervised by, the local police department, but they are “on loan” to schools.

- **Are schools required to use SROs?**

Schools are NOT required to use SROs. Virginia law permits but does not mandate their use. Decisions to use SROs are made by local school boards and local law enforcement agencies. Essentially, SROs are invited in by schools and operate under the conditions of the MOU.

- **What authority do SROs have while stationed in schools?**

While stationed in schools, SROs have full police authority over students and staff unless otherwise defined in the school/police department MOU. This means they can stop, question, charge, arrest, use chemical and mechanical restraints, and use other police practices on students and staff, so long as it is defined in their existing role as police or in the MOU (and subject to local/state/federal laws).

The MOU, however, can limit the role of the officer in any way agreed upon by the school board and the police department, so long as it is also in compliance with existing law.

SROs should NOT be involved in school discipline matters, though in current practice, school codes of conduct and the Virginia Criminal Code often create a grey area that defaults to SRO involvement.

- **What is a school/law MOU?**

A school/law Memorandum of Understanding (MOU) is a formal agreement between local law enforcement and local school boards detailing the employment, powers, and duties of SROs stationed in that school division. While a school division does not have to use SROs, if they do decide to use them, they must have an MOU governing their use. Va. Code §22.1-280.2:3.

The agreement, by law, must be based on [the model MOU developed by the Department of Criminal Justice Services](#) in 2017. DCJS also developed [a guidance document](#) to accompany the model

agreement. The DCJS provides “a floor, not a ceiling,” for what must be discussed in the MOU. Localities can always create more narrow guidelines if SROs are stationed in the school system, but must at least cover the topics in the model.

- **How are school boards and police departments even allowed to place SROs in school?**

- State law extends to local governments the ability to place local law enforcement in schools, within certain requirements established by law, local police practice, and school/law MOUs. Va. Code 9.1-101, §22.1-280.2:3. SROs must be certified law enforcement officers and must be certified by DCJS as SROs before they can operate as such.

- **If a school division and local law enforcement agency have an MOU agreement, are they allowed to change it or end it at any time?**

Ending an MOU

An MOU is similar to a contract, but generally includes provisions that allow either party—schools or law enforcement—to end that agreement for any reason, usually after giving notice to the other. In some agreements we’ve seen, this is a 30-day notice, though localities can set notice for any duration. Check your locality’s MOU agreement to learn its specific terms for ending the agreement.

Changing an MOU

State law passed in 2019 allows for either party—schools or law enforcement—to bring the MOU up for official review at any time for any reason. During this review period, any changes can be made that are agreed upon by both parties, and the MOU can be re-established on its new terms. A law passed in 2020, which will go into effect on July 1, 2020, will require that all MOUs are reviewed at least once every two years, although again, either party can bring the document up for review at any time for any reason, including after the required two-year review has already been done.

- **What training requirements must SRO’s follow?**

State law mandates that SROs are 1) certified full-time or part-time law enforcement officers and 2) fulfill mandatory training standards set by the Va. Department of Criminal Justice Services to become certified as an SRO. Va. Code §9.1-114.1. As of July 1, those training requirements must include mediation and de-escalation techniques and alternatives to physical restraint; cultural diversity and implicit bias; working with students with disabilities, mental health needs, and substance abuse disorders; and child and adolescent development and brain research. Va. Code §9.1-102, Acts of Assembly—2020 Session, Chapter 638.

• What is a School Security Officer (SSO) and how are they different from SROs?

A School Security Officer (SSO) is an employee of the local school division (or a private school), NOT the local police department. They are not “police” and do not have the authority of police, but are tasked with “maintaining order and discipline, preventing crime, investigating violations of the policies of the school... and detaining students violating the law or policies of the school” according to Virginia law. Va. Code §9.1-101. School Security Officers are also certified by the Department of Criminal Justice Services, but not as law enforcement officers—they are certified as Security Officers. All schools that use SSOs must have them certified by DCJS.

School Security Officers and their duties are generally NOT covered by an MOU, because they are school division employees. As such, school divisions alone can set the duties of an SSO without the public input required by the MOU process. Please note: State law allows School Security Officers to carry a firearm in the performance of their duties. Va. Code. §9.1-102.

• How many SROs are operating in Virginia?

According to the 2018 DCJS School Safety Audit, which covers the 2017-2018 school year:

- SROs worked in 1,079 Virginia public schools (55% of schools); SSOs worked in 432 schools (22%).
- SROs/SSOs working full-time or part-time in 41% of elementary schools, 93% of middle schools, and 96% of high schools.
- There were 764 individuals working as SROs in Virginia schools and 836 individuals working as SSOs.

Note: The 2018 School Safety Audit is the most recent such report posted online as of June 4, 2020.

• How are SROs funded?

SROs can be funded in several ways, but in Virginia they are often funded through a combination of federal and state dollars allocated through the Department of Criminal Justice Services, with supplemental and matching funding by local school divisions. Some localities fund SROs strictly through local dollars.

Virginia applies for federal supplemental funding that is combined with state funding and administered to localities through a grant program (the “School Resource Officer Grants Program and Fund,” Va. Code §9.1-110).

- This Fund provides money for SRO and SSO salaries in Virginia elementary, middle, and high schools.
- Localities must match this grant funding based on their local composite index (LCI).

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- Awards are limited to \$50,000 per SRO position, \$22,500 per SSO position.
- Localities must APPLY for these grants, and so must make the active decision to have SROs to receive the funding.

While each Virginia locality provides its own level of funding for SROs, [in 2019 the Governor and DCJS announced](#) the provision of more than \$3.47 million over two years in state and federal funding to 87 of 133 Virginia localities to fund new and continuing SRO and SSO positions through the Grant Fund.

● **Do SROs have to follow state regulations governing the use of seclusion and restraint in Virginia public schools?**

No. Both the current and proposed regulations governing the use of seclusion and restraint in Virginia public schools do not include SROs under their authority, as they are not school employees. The proposed regulations, which are currently awaiting signature from the Governor for their enactment, require that school divisions must have an MOU governing the use of SROs with regard to students with disabilities but does not prescribe the content of such an agreement.