

As the Virginia Department of Education is working to issue formal guidance in response to Governor Youngkin's [Executive Order 28: Parental Notification, Law Enforcement Collaboration, and Student Education to Prevent Student Overdoses](#), the department is sharing best practices to support decision-making protocols that school leaders are grappling with when developing parent notification protocols and also re-enforcing best practices for law enforcement collaboration.

**Parent Notification: When notifying all parents within a school division about a school-connected student overdose, school divisions should consider the following best practices when using regular communication channels, issuing notification within 24 hours, and ensuring protection of student privacy.**

- 1. Notifying All Parents:** School divisions should notify all families in the division when a school-connected student overdose occurs. It is important to make sure that parents (all legal parent and guardian points of contact in the student enrollment paperwork) can engage effectively in supporting their child/children in understanding the event that occurred in their school community, the dangers of drug use, and reinforce parent-school partnerships. A school division may consider differentiating communications for all school division parents and communications with parents of a specific school involved in the school-connected student overdose. The school impacted by the school-connected student overdose may want to provide additional targeted layers of communications around the event, preventative education tools, and emergency drug use resources.
- 2. Using Regular Communication Channels:** School divisions across the Commonwealth often use regular or typical methods of communication to make a division-wide announcement and should continue to use the same methods of communication when making a school-connected student overdose notification.

For example, school divisions often use email as a primary method for “regular communications” and collect emails and alternate communication methods when asking parents to complete a student’s yearly enrollment form. The department recommends that school divisions use this methodology and consider additional communication methods for the parents of the school directly involved in the school-connected student overdose.

- 3. Within 24 hours:** Often medical events require medical and/or law enforcement investigations to determine what occurred. While it is important to notify families as quickly as possible, the department recommends that the school division allow the medical and law enforcement professionals to medically/scientifically verify that the student emergency is a school-connected student overdose.

School personnel should always work closely with law enforcement as well as the student’s medical team to ensure that accurate information is shared with families.

- 4. School-connected student overdose:** When a school division considers the definition of a “school-connected event”, schools should consider the legal requirements of what would be considered “a school-sponsored” activity. School-sponsored activities include all components of the school day including bus stops, transportation, activities on the school campus, off-campus field trips, and any extracurricular event on or off the school campus (including but not limited to preparation for and involvement in public performances, contests, athletic competitions, demonstrations, displays, and club activities).
- 5. Ensuring Student Privacy Protections:** Student privacy is governed by the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99), which is a federal law protecting the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education.

FERPA regulations (34 C.F.R. Part 99) impose limits on schools' disclosure of personally-identifiable information from students' education records. Information reporting the fact of a school-associated overdose may lawfully be shared in a communication from the school division either:

- (1) With the written consent of the parent (for a student under the age of 18) or the student (if the student is over the age of 18) (34 C.F.R. § 99.30); or
- (2) The information shared does not allow for the identification of a student to someone who does not have personal knowledge of the relevant circumstances, such de-identified information may be shared without consent. (34 C.F.R. § 99.31(b))

There are other situations under which FERPA may permit the disclosure of personally-identifiable information from students' education records to be shared without consent, such as during a health or safety emergency. School divisions should consult with their legal counsel on FERPA's requirements on the disclosure of any school-associated overdose.

### **Creating close collaboration between local school divisions and state law enforcement to prevent student overdoses.**

"The school board in each school division in which the local law enforcement agency employs school resource officers, as defined in § 9.1-101, shall enter into a memorandum of understanding with such local law enforcement agency that sets forth the powers and duties of such school resource officers."

§ 9.1-101 requires school divisions to:

- identify a law enforcement liaison or a school resource office and
- update the memorandum of understanding every two years.
- The department recommends that all school divisions review their memorandum of understanding to ensure that clear collaboration protocols are established for student overdoses. The Virginia Department of Criminal Justice Services has an updated [model MOU available](#) that school divisions and local school boards should consider.

In addition, the department recommends that local law enforcement and school divisions discuss how student overdoses will be confirmed and how to create collaborative communications that support strong parent engagement and effective investigation processes.

School divisions should also consider sharing this updated MOU with families and with the community in their next regular monthly communications. When updating protocols around collaboration, a school division should visit the [Virginia Center for School and Campus Safety](#) for additional resources and training.