

555 CMR 10.00: SPECIALIZED CERTIFICATION FOR SCHOOL RESOURCE OFFICERS

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10.01: Authority

The Commission promulgates 555 CMR 10.00 pursuant to M.G.L. c. 6E, §§ 3(a) and 3(b).

10.02: Scope

- (1) 555 CMR 10.00 governs SRO certification pursuant to M.G.L. c. 6E, §§ 3(a) and 3(b).
- (2) 555 CMR 10.00 amends any initial certification process concerning SRO certification, and otherwise supersedes any policy or protocol concerning SRO certification, that was previously adopted by the Commission, other than as provided in 555 CMR 10.09(3), except 555 CMR 10.00 does not negate any grant of SRO certification for an individual, or any effective dates of such a certification, that were previously approved by the Commission.
- (3) 555 CMR 10.00 does not govern the suspension or revocation of SRO certification, except as provided in 555 CMR 10.09 and 10.10.
- (4) Nothing in 555 CMR 10.00 is intended to:
 - (a) Establish a standard of care or create any independent private right, entitlement, remedy, or cause of action on the part of any person or entity on account of any action the Commission takes or fails to take;
 - (b) Otherwise waive any power, right, privilege, protection, or immunity that may be available to the Commission; or
 - (c) Preclude the limiting, conditioning, restricting, suspending, or revoking of any certification in accordance with law.

10.03: Definitions

(1) 555 CMR 10.00 incorporates all definitions and rules of construction set forth in 555 CMR 2.02: *Definitions* and 555 CMR 2.03: *Construction*, except those definitions of terms that are defined in 555 CMR 10.03(2).

(2) For the purposes of 555 CMR 10.00, the following terms have the following meanings, unless the context requires otherwise:

Applicant. A person or entity that submits an application for SRO certification regarding an individual to the Commission.

Application. An application for SRO certification.

Chief of Police. The chief of police or the board or officer having control of the police department in a city or town.

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Commission. The Massachusetts Peace Officer Standards and Training Commission established under M.G.L. c. 6E, § 2 as an agency, including its Commissioners and its staff.

Conditional Officer Certification. An officer certification of the type described in 555 CMR 7.04: *Conditional Recertification* or otherwise made subject to conditions pursuant to M.G.L. c. 6E, §§ 3(a) and 4.

Conditional SRO Certification. An SRO certification of the type described in 555 CMR 10.07.

Denial of SRO Certification. A Commission decision declining to grant SRO certification to an individual, made pursuant to M.G.L. c. 6E, §§ 3(a) and 3(b), an action that is distinct from a revocation or a suspension of SRO certification, and that is distinct from a revocation or a suspension of officer certification.

Division. The Division of Police Certification established under M.G.L. c. 6E, § 4.

Executive Director. The Executive Director of the Commission, appointed pursuant to M.G.L. c. 6E, § 2(g), or that person's designee for relevant purposes.

Final Decision. The ultimate Commission decision on an application for SRO certification, following any review or hearing or the expiration of the time afforded for an applicant to seek such review or hearing, and following the satisfaction of any conditions attached to a conditional SRO certification or the expiration of the time to satisfy any such conditions.

Full SRO Certification. An SRO certification granted pursuant to M.G.L. c. 6E, §§ 3(a) and 3(b), without any limitation, condition, restriction, or suspension imposed pursuant to M.G.L. c. 6E, §§ 3(a) or 3(b) or another provision.

Model MOU. The model MOU for SROs developed by the SRO-MOU Commission.

MOU. A memorandum of understanding concerning an SRO's: relationship with a school or school system; duties; functions; and/or powers.

MPTC. The Municipal Police Training Committee within the Executive Office of Public Safety and Security and established under M.G.L. c. 6, § 116.

Officer Certification. A certification or recertification of an individual as a law enforcement officer under M.G.L. c. 6E, §§ 3(a) and 4, regardless of whether it is subject to any condition, limitation, restriction, or suspension.

Operating Procedures. A set of operating procedures to provide guidance to SROs about daily operations, policies and procedures.

Revocation of Officer Certification. A revocation of officer certification made by the Commission pursuant to M.G.L. c. 6E, §§ 3(a) and 10, an action that is distinct from a denial, a nonrenewal, an expiration, or a suspension of officer certification, and that is distinct from a denial, a nonrenewal, an expiration, a revocation, or a suspension of SRO certification.

Revocation of SRO Certification. A revocation of SRO certification made by the Commission pursuant to M.G.L. c. 6E, §§ 3(a) and 3(b), an action that is distinct from a denial, a nonrenewal, or an expiration of SRO certification, and that is distinct from a denial, a nonrenewal, an expiration, a revocation, or a suspension of officer certification.

School Resource Officer or SRO. An individual who is either:

- (a) A duly sworn municipal police officer with all necessary training and up-to-date certificates, including special SRO certification as required by M.G.L. c. 6E, § 3(b); or

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(b) An officer appointed by the chief of police who is specially charged with performing all the following duties:

1. Providing law enforcement;
2. Promoting school safety and security services to elementary and secondary public schools; and
3. Maintaining a positive school climate for all students, families, and staff.

SRO Certification. A specialized certification of an individual as an SRO under M.G.L. c. 6E, § 3(b).

SRO-MOU Commission. The Model School Resource Officer Memorandum of Understanding Review Commission established under M.G.L. c. 71, § 37P(b).

10.04: SRO Certification Requirement

(1) An individual must possess an SRO certification that has not been suspended or restricted in order for:

- (a) The individual, an agency, or an officer to represent that the individual is an SRO; or
- (b) The individual to serve as an officer appointed by the chief of police who is specially charged with performing all the following duties:
 1. Providing law enforcement;
 2. Promoting school safety and security services to elementary and secondary public schools; and
 3. Maintaining a positive school climate for all students, families, and staff.

(2) An individual is not required to possess an SRO certification in circumstances other than those described in 555 CMR 10.04(1).

10.05: Application for SRO Certification

(1) The Division shall develop, and shall make available on the Commission website, an application form by which an officer or an officer's chief of police may apply for SRO certification for the officer, which form shall, in part:

- (a) Direct the applicant to ensure that the information and materials identified in 555 CMR 10.05(3) are submitted to the Division;
- (b) Require the officer to agree that, when acting as an SRO, the officer will not: serve as a school disciplinarian, an enforcer of school regulations or in place of licensed school psychologists, psychiatrists or counselors; or use police powers to address traditional school discipline issues, including non-violent disruptive behavior;
- (c) Require the applicant to make any assertions in the application under the pains and penalties of perjury;
- (d) Request that the applicant identify the head of the applicant's collective bargaining unit, if any; and
- (e) Require the applicant to provide an email address that may be used for correspondence related to the SRO certification process for each of the following:
 1. The applicant;
 2. The individual for whom SRO certification is sought;
 3. The individual's chief of police; and
 4. The head of the individual's collective bargaining unit, if the unit head is identified by name in the application.

(2) The Executive Director shall set a deadline for the submission of applications for SRO certification for individuals who are serving as SROs on the effective date of 555 CMR 10.00.

- (a) An officer or chief of police may request that the Executive Director grant an extension of the initial deadline or any revised deadline, provided that the requester identifies, in writing, each individual to which the request applies.
- (b) The Executive Director may extend the initial deadline or any revised deadline, provided that no extension exceeds 30 calendar days.

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(3) The Division shall not consider an application for SRO certification for an individual unless the Division receives:

(a) An application that:

1. Is in the form prescribed by the Division and complete;
2. Is submitted on or before the deadline established under 555 CMR 10.05(2), if the application is requesting SRO certification for an individual who was serving as an SRO on the effective date of 555 CMR 10.00;
3. Is executed by the applicant under the pains and penalties of perjury;
4. Includes an endorsement by the individual's chief of police that addresses whether the individual would strive to foster an optimal learning environment and educational community that promotes a strong partnership between school and police personnel;
5. Addresses whether the individual has completed any SRO training that was required by the MPTC pursuant to M.G.L. c. 6, § 116H or otherwise, as well as the reasons why any such training was not completed; and
6. Addresses whether the individual has completed any other in-service training or retraining that was required by the MPTC or that was required by the Commission, as well as the reasons why any such training was not completed;

(b) The results of a background check regarding the individual that was consistent with the provisions concerning background checks for current or prospective school personnel in M.G.L. c. 71, § 38R and 603 CMR 51.00: *Criminal History Checks for School Employees*; and

(c) An employment and disciplinary record for the individual that, at a minimum, includes information on:

1. Each position in law enforcement in which the individual has served;
2. Each complaint concerning the individual's conduct while serving in law enforcement; and
3. Each form of discipline to which the individual was subject while serving in law enforcement.

(4) An individual may apply for SRO certification without having been designated to serve in a particular school or school system.

10.06: Division Evaluation of SRO Certification Application

(1) In evaluating an application for SRO certification for an individual:

(a) The Division shall evaluate Commission records concerning the individual, including:

1. Those related to any prior certification applications filed on behalf of the individual;
2. Those concerning any disciplinary proceedings against the individual; and
3. Others contained in Commission databases.

(b) The Division may obtain and consider additional information regarding the individual by:

1. Requesting that the individual complete a questionnaire;
2. Requesting that the applicant provide names of or letters from references, and contacting those references to discuss the individual;
3. Obtaining additional information concerning the individual's: completion of in-service or specialized training, relevant education, performance reviews, professional awards, achievements, commendations, receipt of discipline, misconduct, and past performance;
4. Affording the individual or the chief of police an opportunity to respond to any information or allegations received by the Division; and
5. Taking other reasonable steps; and

(c) The Division may take into account the extent to which the individual appears to possess the personal characteristics identified in M.G.L. c. 71, § 37P as relevant to service as an SRO.

(2) The Division shall review each application for SRO certification and any other information obtained by the Division.

(3) Except as provided in 555 CMR 10.07(1), the Division may grant an SRO certification to an individual only if the Division determines that:

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- (a) The individual and the individual's chief of police have provided all information required of them as part of the application process;
 - (b) The individual possesses an officer certification that is not suspended;
 - (c) The Division has obtained no information demonstrating that the individual would presently be ineligible for an officer certification;
 - (d) The chief of police has concluded that the individual passed a background check that was consistent with the provisions concerning background checks for current or prospective school personnel in M.G.L. c. 71, § 38R and 603 CMR 51.00: *Criminal History Checks for School Employees*;
 - (e) The individual has successfully completed any SRO training that was required by the MPTC pursuant to M.G.L. c. 6, § 116H or otherwise;
 - (f) The individual has successfully completed any other in-service training or retraining that was required by the MPTC or that was required by the Commission; and
 - (g) The Division has obtained no information demonstrating that the individual would not strive to foster an optimal learning environment and educational community that promotes a strong partnership between school and police personnel.
- (4) As a decision declining to provide full SRO certification is distinct from revocation of officer certification, the procedures prescribed by M.G.L. c. 6E, § 10 need not be followed before such a decision is rendered.
- (5) The Division shall render a decision on an application for SRO certification within a reasonable time.
- (6) The Division shall provide written notification of a decision on an application for SRO certification by email to:
- (a) The individual for whom SRO certification is sought;
 - (b) The individual's chief of police; and
 - (c) The head of the individual's collective bargaining unit, if the unit head was identified by name in the application.
- (7) If the Division's decision on an application for SRO certification provides for anything other than full certification, the notification described in 555 CMR 10.06(6) shall also inform the individual and the individual's chief of police of the ability to seek review by the Executive Director as provided for in 555 CMR 10.08(1) and a hearing as provided for in 555 CMR 1.10: *Final Disciplinary Hearings and Appeals of Certification Decisions* and 555 CMR 10.08(2).

10.07: Conditional SRO Certification

- (1) If an officer has satisfied all requirements listed in 555 CMR 10.06(3) except the training requirements referenced in 555 CMR 10.06(3)(e) or (f):
- (a) The Division may grant the officer a conditional SRO certification in circumstances that the Division finds appropriate, including, but not limited to, where:
 - 1. Certain details need to be supplied or certain information needs to be verified;
 - 2. The officer was unable to satisfy a training requirement because the officer was on approved leave, experienced a demonstrable hardship, or had another valid reason; or
 - 3. The officer has taken all required steps in connection with the SRO certification process, but circumstances beyond the officer's control have delayed a final decision on the application; and
 - (b) The Division shall require, as a condition of any such conditional SRO certification, that, within a reasonable and specified period of time, the officer complete any training that was required but not completed.
- (2) The Division shall attach the following to an SRO certification that it grants an officer pursuant to 555 CMR 10.06(3) or 10.07(1):
- (a) Any conditions, limitations, or restrictions that the Commission has attached to that individual's officer certification pursuant to 555 CMR 7.04 or otherwise; and
 - (b) Any other conditions, limitations, or restrictions that the Division deems warranted.

10.07: continued

- (3) The Division may determine that an officer is not required to satisfy any conditions attached to a conditional SRO certification, and that any time periods associated with any such conditions do not begin to elapse, before the conclusion of any review or hearing, or the expiration of the time afforded for the officer to seek such review or hearing, pursuant to 555 CMR 10.08.
- (4) The Division may extend the time initially allowed for an officer to satisfy a condition attached to a conditional certification, provided that:
 - (a) The officer has requested an extension of time from the Division prior to the deadline initially set by the Division;
 - (b) The officer has offered good cause for an extension of time; and
 - (c) The extension of time does not exceed 30 calendar days, unless the Commissioners approve a longer period of time through an action taken pursuant to M.G.L. c. 6E, § 2(e).
- (5) When an officer fails to satisfy a condition of a conditional SRO certification within the time allowed, taking into account the provisions of 555 CMR 10.07(3), the Division shall terminate the officer's SRO certification.
- (6) When an officer satisfies all conditions of a conditional SRO certification within the time allowed, taking into account the provisions of 555 CMR 10.07(3), and neither the officer's SRO certification nor the officer's officer certification is otherwise limited, restricted, or suspended, the Division shall convert the conditional SRO certification into a full SRO certification with an expiration date of three calendar years from the date on which the initial conditional SRO certification was issued.
- (7) In all other respects, an officer who holds a conditional SRO certification possesses a "specialized certification" and is "specially certified" as those terms are used in M.G.L. c. 6E, § 3(b).

10.08: Possible Action Following Decision Declining to Grant Full SRO Certification

- (1) An applicant that receives a decision from the Division declining to grant a full SRO certification for an individual may seek review by the Executive Director as follows.
 - (a) Within 21 days of the Division's service by email of its decision, an applicant may submit a written petition to the Executive Director requesting review of the decision.
 - (b) If the petition will be submitted by the individual alone, the individual shall serve a copy of the petition upon the chief of police by email or first-class mail prior to submitting the petition to the Executive Director, and the petition shall include a certificate of service stating the date of service, the method of service, and the address used for service.
 - (c) If the petition will be submitted by the chief of police alone, the chief of police shall serve a copy of the petition upon the individual by email or first-class mail prior to submitting the petition to the Executive Director, and the petition shall include a certificate of service stating the date of service, the method of service, and the address used for service.
 - (d) The Executive Director may ask any entity or individual to provide additional information, orally or in writing, or to appear at a meeting concerning the matter.

At any such meeting, the Executive Director shall have discretion to determine the extent to which an individual who does not have a right to appear may attend and participate.
 - (e) The Executive Director shall provide the individual and the chief of police with a written decision on the petition within a reasonable time.
- (2) Following the process described in 555 CMR 10.08(1), an applicant may request and obtain a hearing before the Commission concerning an application for SRO certification in accordance with 555 CMR 1.10: *Final Disciplinary Hearings and Appeals of Certification Decisions*.
- (3) The Commission may place an individual's SRO certification on restricted status while review pursuant to 555 CMR 10.08(1) or a hearing pursuant to 555 CMR 10.08(2) is pending.
- (4) The Commission may decline to afford review or a hearing where an application was denied because it was not timely filed.

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(5) Where an individual has received a final decision denying a full SRO certification, the Commission may attach limitations, conditions, or restrictions on the individual's ability to reapply.

10.09: SRO Certification Status

(1) An SRO application process shall be deemed ongoing and not "finally determined", as that term is used in M.G.L. c. 30A, § 13, absent a final decision.

(2) The granting of an SRO certification shall not preclude the limiting, conditioning, restricting, suspending, or revoking of the SRO certification in accordance with law, when warranted.

(3) An SRO certification may be made retroactive where such action is consistent with policies or protocols approved by the Commission either prior to or subsequent to the promulgation of 555 CMR 10.00.

(4) Unless the Commission provides otherwise, an SRO certification granted pursuant to 555 CMR 10.05 through 10.09 shall expire three calendar years after the effective date recognized by the Commission.

(5) SRO certification does not expand the scope of authority of an officer beyond that which is otherwise provided to SROs by law.

(6) The Commission may reconsider, and revise or vacate, a decision on an application for certification, when such action is warranted.

(7) If a decision to grant an SRO certification to an individual is vacated, the individual shall be deemed to have possessed an SRO certification during the period of time between the decision to certify and the decision to vacate.

(8) A decision regarding an individual's application for SRO certification shall not, by itself, affect an individual's officer certification.

(9) If an individual's officer certification is suspended, the individual's SRO certification shall be automatically deemed suspended.

(10) If an individual's officer certification is revoked, the individual's SRO certification shall be automatically deemed revoked.

(11) The Division shall terminate an SRO certification upon receiving a written request for such termination from the certified individual.

(12) An officer who possesses an SRO certification must promptly notify the Commission of any change in:

- (a) Contact information for the officer that has been provided to the Commission;
- (b) The officer's place of employment; or
- (c) The officer's work status, including on-leave status.

(13) The Division shall make information concerning SROs available on its website pursuant to a policy adopted by the Commission.

10.10: In-service SRO Training

(1) Any officer who is serving as an SRO or possesses an SRO certification is required to complete all SRO training that the MPTC requires pursuant to M.G.L. c. 6, § 116H or otherwise.

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(2) If an officer fails to complete the SRO training referenced in 555 CMR 10.10(1) within 90 days of any deadline or as soon as reasonably possible thereafter, the Division may administratively suspend the officer's SRO certification.

(3) The Division shall reinstate the SRO certification of an officer who was administratively suspended pursuant to 555 CMR 10.10(2) upon the officer's completion of all required SRO training.

(4) An officer's failure to complete the SRO training referenced in 555 CMR 10.10(1) shall not, by itself, constitute grounds for administrative suspension of an officer's officer certification pursuant to M.G.L. c. 6E, § 9(b).

10.11: Number of SROs

(1) The Commission may prescribe the number of SROs that a given municipality must ordinarily maintain.

(2) Agencies are encouraged to seek SRO certification and SRO training for more officers than are needed to staff participating schools at a given time, and to designate an SRO as an alternate who may serve in place of a regularly assigned SRO when needed.

10.12: Sub-specialties

The Division may grant an officer who has received an SRO certification an additional certification in a sub-specialty, or a specific aspect, of SRO service, pursuant to procedures that are substantially similar to those prescribed for SRO certification in 555 CMR 10.10.

10.13: Restricted Status

(1) Upon receiving a report that an individual with an SRO certification is serving as an SRO without being subject to both a sufficient MOU and sufficient Operating Procedures, the Division shall investigate the matter.

(2) If the Division determines that such individual is serving as an SRO without being subject to both a sufficient MOU and sufficient Operating Procedures, the Division may place the individual's SRO certification on restricted status.

(a) Any such determination shall be based on a comparison between the provisions of M.G.L. c. 71, § 37P and any terms governing the individual's work as an SRO.

(b) In deciding whether to place the individual's SRO certification on restricted status, the Division shall take into account all available information and circumstances known to it, including the impact on the individual's appointing agency and any school in which the individual has been serving.

(3) The Division shall terminate the restriction on the individual's SRO certification upon determining that the individual is subject to a sufficient MOU and sufficient Operating Procedures.

REGULATORY AUTHORITY

555 CMR 10.00: M.G.L. c. 6E, §§ 3(a) and 3(b).